ENGLAND'S WORK IN INDIA

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In governing India, England had to face a problem of rare and unique difficulty. It is always difficult for one country to rule another from a distance, and the difficulty is increased when the country to be governed is great in extent and is inhabited by a vast population inheriting a civilization more ancient than that of the rulers and consisting of elements differing from each other and from the ruling nation, in race, religion, language and life. In the early days of British rule the area to be governed was smaller, the population less numerous, and the concerns of life simpler and less varied than they are now. But communication between England and India, and

between different parts of India was not so swift and easy as it is now, the country was less known to the rulers, the rulers less known to the people, the governing body was much smaller, and there was the inevitable difficulty attendant on the beginning of a new system of administration. The task of government, therefore, if it has become more difficult in some respects, has become more easy in others.

The English, when they found themselves possessed of ruling functions, might have adopted one or other of several policies. They might have established one law for themselves and another for the people of this country, reserving to themselves privileges in regard to taxation, trade, appointments and the like, subjecting the people to disabilities of various kinds. They might, as between the different races and sects of India, have established laws and institutions of a diverse character intending to favour some and depress others. To save themselves the trouble of thinking out new systems, they might have sought to introduce wholesale the laws and institutions of their own country, abolishing whatever they found in existence. With the same object they might have abstained from interference altogether and let everything remain as it was, thinking that the institutions though repugnant to their own ideas, were good enough

for the people among whom they had grown. Or, if they permitted themselves to be carried away by ideas of symmetry and ideal excellence, they might, in disregard of the laws and institutions of this country and their own, have introduced a novel system which they considered perfect, and might have made it prevail in every part of their possessions, in entire ignorance or contempt of what was in existence, or what might be suited to different conditions.

The policy which they adopted—and no doubt this was one of the alternatives open to them—was neither one of indiscriminate revolution nor one of wholesale retention; it was inspired neither by ideas of abstract perfection, nor by a strong prejudice in favour of the institutions of their own land or against those of this country. It was a cautious policy of conservation and reform; of slow, gradual, watchful adaptation and development. English rulers from the earliest days have aimed not so much at symmetry or uniformity as at practical usefulness. They have not scrupled to change, in co-operation with advanced Indian thinkers, all they found to be morally wrong or practically useless or injurious; but they have made no innovations otherwise than on grounds of practical necessity. Certain general principles of justice and good government they have recognised as applicable

to the entire country. Local laws and the details of the administrative system have been determined in different parts of the country by their varying needs. In a word, wherever possible they have shown respect for indigenous ideas and institutions and have retained and sought to develop much that is old. At the same time in obedience to their own ideas of progress and out of a desire to advance the best interests of the country, they have sought to introduce Western ideas into schemes of legislation and administration and to engraft Western institutions on the country as far as practicable. The progress of India under British rule has been accomplished by such preservation and such adaptation. The story of the progress will be fully told by noting the points on which British rulers have maintained an unbroken continuity of Indian tradition, and on which they have sought to refashion old institutions, or where necessary, introduce absolutely new ones of a Western type.

An idea of the extent of the Indian Empire in 1931 may be formed from the fact that it contained about 1,808,679 square miles of country. The provinces under British administration comprised 1,096,171 square miles, the aggregate area of the Indian States being 712,508 square miles. If Burma is excluded the largest British Provinces

are:—Madras (142,277 square miles), Bombay and Sind (123,599 square miles), and the United Provinces (106,248 square miles). After the territorial redistributions of 1912, Bihar and Orissa cover 83,054 square miles, while Bengal with its 28 districts covers 77,521 square miles. The area covered by the Assam administration is 55,014 square miles.

The population, according to the census of 1931, is approximately 352,837,778, of whom 271,526,933 are enumerated in British territory and 81,310,845 in the Indian States. Bengal has got a population of 50,114,002. Next come the United Provinces of Agra and Oudh with a population of 48,408,763.

Compared with the total for 1921, the increase in population is 10·6 per cent.

No less than 225 distinct languages including minor dialects have been recorded as vernaculars in the Indian Empire. Most of these may be grouped under three large families. The Indo-Chinese languages are found in the Himalayas, Burma and North-Eastern India, the Dravido-Munda ones mainly in the south and centre of the Peninsula; and the Indo-European on the North-Western Frontier, in the Punjab, Bombay, Bengal, Assam, and the country between the State of Hyderabad and the Himalayas.

The people of the Indian Empire have been

classified, from an ethnological point of view, into seven main physical types or roughly speaking, races. The religions they profess have been classified under ten broad heads. Types as well as the religions admit of numerous sub-divisions.

Amongst a people so numerous, inhabiting a country so large, belonging to such a variety of races, and professing so many religions, there must be a diversity of life and thought, and a diversity and even a conflict of interests. Since the disruption of the Mughal Empire India's varied people have been brought under one rule, namely, that of England, and a common rule has brought with it common political rights and duties which tend to overshadow and suppress the petty conflicts of racial, class or sectarian interests. The Hindu and the Mahomedan, for instance, and the Parsi and the Christian, may worship at different shrines according to different methods, may pursue different modes of education, may observe different rules of social life, and these differences may breed little or great jealousies. But they all alike have the same political status, that is to say, they have been invested, as citizens of a state, with common rights, and have been made, also as citizens of a state, subject to common duties and obligations. Each has religious and social freedom, and no one can interfere with another, however keen the animosity.

As early as 1833, when the Charter of the East India Company was renewed by a statute of Parliament known as 3 and 4 Will. IV. C. 85, it was declared by section 87 of that statute that "no native of the said territories, nor any natural-born subject of His Majesty resident therein, shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the Company." As Sir Courtenay Ilbert observes, "The policy of freely admitting natives of India to a share in the administration of the country has never been more broadly or emphatically enunciated."*

Another section of the same statute, after reciting that "the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide for any mischief or dangers that may arise therefrom," requires the Governor-General in Council, by laws and regulations, "to provide with all convenient speed, for the protection of the natives of the said territories form insult and outrage in their persons, religions, and opinions."

By the same statute also the Governor-General in Council was required forthwith to take into consideration the means of mitigating the

* The Government of India, p. 91.

state of slavery, and of ameliorating the condition of slaves and of extinguishing slavery throughout the Indian territories as soon as such extinction should be practicable and safe, and to prepare and submit to the Court of Directors draft of laws on the subject. In preparing these drafts due regard was to be had to the laws of marriage and rights and authorities of fathers and heads of families.

The most systematic statement of the broad principles of British Rule in India was made in a Proclamation by Queen Victoria on the assumption of the Government of India by the Crown form the East India Company after the Sepoy Mutiny. It was entitled a " Proclamation by the Queen in Council to the Princes, Chiefs and People of India " and was read out and published in the *Calcutta Gazette*, on November 1, 1858. No comment is needed to emphasise and bring into prominence the just, impartial, beneficent spirit that pervades the Proclamation. The texts of Queen Victoria's Proclamation as well as the proclamations and utterances of her successors, King-Emperor Edward VII and King-Emperor George V, afford interesting and inspiring reading and fully explain the principles of British Rule in India. They are given at the end of this book in the form of appendices.

Of no less import, importance and interest to

the student proper, as well as to the people at large, are the memorable utterances of King-Emperor George V in reply to the Address of Welcome which the Senate of the University of Calcutta presented to His Majesty when His Majesty and the Queen-Empress were pleased to visit Calcutta in 1912 after the Durbar at Delhi.

The Address and the Reply are given in Appendices IV and V. They have been inscribed on marble, in the Darbhanga Library Building where the work of the University is conducted—fittingly in characters of gold.

CHAPTER II

THE WORK OF CONSERVATION

Religious toleration—Encouragement of Oriental Learning—Respect for indigenous laws and usages—Continuity in regard to Land Tenures—Early Village Police—Early system of Judicature—Punchayets.

Freedom of faith and worship was guaranteed to all classes by the Queen's Proclamation of 1858, and by the Charter Act of 1833 the Governor-General in Council was required to pass laws and regulations for protection of the people "from insult and outrage in their person, religions and opinions." By the same Act it was declared that no man was to be held disqualified for any office by reason of his religion. Protection from insult and outrage in religion is given by the Indian Penal Code passed in 1860. Chapter XV (from section 295 to section 298) of that code deals with offences relating to religion. "The principle on which it has been framed," says Mr. Whitley Stokes, "is this that every man should be suffered to profess his own religion and that no man should be suffered to insult the religion of another. Most of the offences mentioned are in the nature of wanton insults to existing creeds." *

* Anglo-Indian Codes, Vol. I, p. 32.

The British Government have adopted the principle of religious toleration in India, for in the first place, every one is at liberty to profess his own religion and to practise it lawfully, secondly, no one is ordinarily disqualified for any office by reason of his religion, lastly, in accordance with the directions of the Despatch of 1854, no religious test or teaching is generally prescribed in schools or colleges established by Government.* For a full appreciation of this liberty it is necessary to remember that such toleration is a recent blessing even in England. It was only in 1829 that the last Catholic Relief Act was passed, and it was not till 1858 that the Jewish Relief Act was passed. Religious liberty in England was attained after a struggle extending over three centuries. In India it has been early recognised by the British rulers who have, in this respect, wisely followed the examples of enlightened Indian rulers like Asoka and Akbar. The Charter Act was passed only four years after the last Catholic Relief Act; and the Queen's Proclamation was issued the very year that the Jewish Relief Act was passed.

Education largely determines the thought, character and life of a people. British rulers of India have never sought to interfere with the old,

* Imperial Gazetteer of India, Vol. IV, p. 447.

indigenous, national institutions for the imparting of education, namely, the *pathsalas* and *tols* of the Hindus and the *maktabs* and *madrasahs* of the Mahomedans.* In recent years several of these institutions have been encouraged by the holding of examinations, the grant of scholarships to, and bestowal of titles and academic honours on, students and grant of salaries and stipends to teachers. Colleges and schools for the cultivation of Oriental learning have been established in different parts of the country. The Calcutta Madrasah for Mahomedans was founded by Warren Hastings in 1781. A Sanskrit College was founded at Benares in 1791. The object of the institution was "the preservation and cultivation of the laws, literature and religion of the Hindus (and more particularly their laws) in their sacred city." In the Charter Act of 1813 there was a clause that one lakh of rupees in each year should be "set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of

* For a brief description of indigenous systems of instruction see Imperial Gazetteer, Vol. IV, pp. 407-409; the Interim Report of the Indian Statutory Commission, Chap. 2; and the Cambridge History of India, Vol. VI, Ch. 6. For figures concerning the number of *tols* in different parts of the country at different periods, see P. N. Bose's History of Hindu Civilisation during British Rule, Vol. III, p. 155.

a knowledge of the sciences among the inhabitants of the British territories in India." The grant was devoted mainly to the upkeep of the Oriental colleges, the payment of stipends to students, and the publication of works of Oriental literature.* The Peshwas of Western India used to distribute *dakshina* allowances to learned Brahmins. This money was in 1821 devoted to the establishment of a Sanskrit College at Poona. Lord Amherst founded the Calcutta Sanskrit College in 1824. Stipends were formerly allowed to students of the highest castes only, and the college was originally open to them alone. The restriction has now been removed, and Hindu students of all castes are admitted there. The Agra and Delhi Colleges were founded, between 1823 and 1825, on an Oriental basis, the former by Pandit Gangadhar without any pecuniary aid from the Government. English education, however, was soon grafted upon the original plan. Geography and Mathematics were included in the college curriculum. English classes were attached to the Sanskrit Colleges of Calcutta and Poona and to the Agra College, while at Delhi and Benares distinct schools were formed for the teaching of the English language.† Education

* Imperial Gazetteer of India, Vol. IV, p. 409.

† The Cambridge History of India, Vol. VI, Ch. 6; P. N. Bose's History, Vol. III, p. 164.

on indigenous lines is imparted at some famous centres of modern India. Among these the Gurukul near Hardwar and the school at Bolpur deserve special mention.

As in education, so in the administration of law, the object of the East India Company was at first to make as little alteration as possible in the existing state of things. A Regulation * passed by Warren Hastings in 1772 directs that in all suits regarding inheritance, marriage, caste and other religious usages or institutions, the laws of the Koran with respect to Mahomedans, and those of the Shastras with respect to "Gentoos," † as the Hindus had come to be called, shall be adhered to in all courts in the mofussil. In a regulation of 1781 it is further laid down that in all cases for which no specific directions are given, the judges should act according to justice, equity and good conscience. By a Parliamentary Statute ‡ of 1781 it was declared that the Supreme Court was to have jurisdiction in all manner of actions and suits against the inhabitants of Calcutta, provided that their inheritance and succession to lands,

* Section 23 of the Judicial Regulations of the 21st August.

† Dr. C. D. Field says, " 'Gentoo' is derived from Portuguese 'gentio' which means a gentile or heathen, and it came to mean a native of India, a Hindu."

‡ 21 Geo. III, C. 70, S. 17.

rents and goods, and all matters of contract and dealing between party and party, shall be determined in the case of Mahomedans, by the laws and usages of Mahomedans, and in the case of Gentoos by the laws and usages of Gentoos ; and where only one of the parties shall be a Mahomedan or Gentoo, by the laws and usages of the defendant.

It was further declared* that "in order that regard should be had to the civil and religious usages of the said natives, the rights and authorities of fathers of families and masters of families, according as the same might have been exercised by the Gentoo or Mahomedan law, shall be preserved to them respectively within their said families; nor shall any acts done in consequence of the rule and law of caste respecting the members of the said families only be held and adjudged a crime, although the same may not be held justifiable by the laws of England."

An eminent writer observes: "If we survey the whole field of law, as administered by the British Indian courts, and examine the extent to which it consists of English and of native law respectively, we shall find that Warren Hastings' famous rule,† though not binding on the Indian

* Section 18.

† Laid down in Judicial Regulations of the 21st August, 1772.

legislatures, still indicates the class of subjects with which the Indian legislatures have been chary of interfering, and which they have been disposed to leave to the domain of native law and usage......Within the domain of family law, including the greater part of the law of succession and inheritance, natives still retain their personal law, either modified or formulated, to some extent, by Anglo-Indian legislation. Hindus retain their law of marriage, of adoption, of the joint family, of partition, of succession. Mahomedans retain their law of marriage, of testamentary and intestate succession, and of wakf or quasi-religious trusts."*

Methods of land settlement will be described hereafter somewhat in detail. Here it is necessary only to observe that, in regard to these also, English administrators have shown, as far as possible or desirable, a spirit of conservation. "To the Native rule in its last stage of decrepitude, succeeded the government of the East India Company; but at first, whether owing to want of experience or other causes, no attempt was made to displace the existing system."† "The whole system, originated in the palmy days of Mughal power, was now in its last decrepitude.

* The Government of India, by Sir Courtenay Ilbert, p. 401.

† A Manual of the Land Revenue Systems and Land Tenures of British India, by B. H. Baden-Powell, p. 114.

There was then no other course but to continue to follow, at least in its general lines, the system which we found in existence."*

In Bombay the raiyatwari system was the system of the Mahratta Government which preceded the British, and although this was not the case in Madras, still in many districts the facts of land-tenure were such that its adoption was regarded as to some extent a necessary conclusion. Innovations have been made from time to time by Regulations and Acts, but except probably in the United Provinces and the Punjab, the old Indian systems seem to have been the basis of land-tenures under English rule. The important branch of law relating to the tenure of land, as embodied in the Rent and Revenue Acts and Regulations of the different provinces, though based on Indian customs, exhibits a struggle and compromise between English and Indian principles.

The village police in the early days of British rule was not a creditable institution. The village watchman and the village headman of the old system could not be dispensed with. "With the decline of the Mughal power the system of police fell into great disorder, and the petty chiefs and Zamindars, no longer dreading punishment from above, used their adherents to ravage

Ibid, p. 118.

and plunder the lands of their neighbours. This evil example was followed by the village head-men and the village police. Most of the latter became thieves themselves, and many of the former harboured criminals and connived at crime for a share of the booty.........This was the state of things which the British found in the early days of their rule, and as a first step towards reform the Zamindars were relieved of their police duties, which were transferred to the District Magistrates, each district being divided into small police jurisdictions with an area of about 20 square miles. This formed the charge of a *daroga* who had under him twenty to fifty armed men, and was also given authority over the village watch-men."* This system, however, did not produce the desired results. Reform and reorganisation of the police have been going on ever since.

In constituting the earliest courts the Company made use of the judicial machinery that had existed under Mahomedan rule. In 1772† a Diwani or Civil Court, and a Faujdari or Criminal Court were established for each provincial division or Collectorship as it then existed. The Collector of the Company presided over the Civil

* The Imperial Gazetteer of India, Vol. IV, p. 386.

† Under Regulations of the 15th August.

Court. The Kazi and Mufti* of the district and two Maulvis sat in the Criminal Court to administer the Mahomedan Law of Crimes. It was the Collector's duty to see that the proceedings were regular and the decision fair and impartial. An appeal lay from the Civil Court to the Sadar Diwani Adalat which consisted of the President and Members of Council, assisted by the Indian officers of the Khalsa or Exchequer; and from the Criminal Court to the Nizamat Adalat which consisted of a Chief Officer of Justice appointed by the Nawab Nazim, and the Head Kazi and Mufti and three eminent Maulvis. The Proceedings of the Nizamat Adalat were subject to the control of the President and Council.†

Punchayets are an old institution here, and they have received legislative recognition in many parts of the country, for instance, in Bengal, Bombay, Bihar, the United Provinces, and the Punjab. They are part of the indigenous self-governing machinery in villages. A punchayet, —which literally means a body of five men,—is an assembly of elders which has been accustomed

* In the Mahomedan regime it was the duty of the Kazi to decide claims of inheritance or succession. The Mufti expounded the Law for the Kazi.

† C. D. Field's Introduction to the Regulations of the Bengal Code, Section 191.

from very old times to decide local disputes of a social and even of a legal character. Government have never sought to extinguish it but have, on the contrary, been ready to utilise its services wherever it has existed, though on lines and for purposes somewhat different from the original. A notable feature of the administration of local self-government, since it was transferred to popular control, has been a certain readiness to revive the Village Punchayet or Committee of Elders. Even before the introduction of the Montagu-Chelmsford Reforms, attempts had been made in several provinces to invest the Punchayets with certain important powers; but of late these attempts have been considerably reinforced on account of the zeal of popular ministers. In 1919 a Village Self-Government Act was passed in Bengal embodying the policy of constituting Union Boards for groups of villages. There is now no reason to doubt that Village Self-Government in India has a great future before it.

CHAPTER III

Political Progress

Western ideas and institutions introduced and adapted as an agency of progress—Codes—Their advantages and purposes—Equality in the eye of the Law—Rights of Citizenship—Abolition of Slavery—Open administration of justice—Publicity of proceedings in Courts of Law and Legislative Councils—Safeguards for the proper administration of justice—System of criminal procedure—Safeguards of personal liberty—Facilities for defence—No conviction on sentence without a trial—Trial by Jury—Its advantages—Local Self-Government—Indigenous forms of Local Self-Government distinguished from the modern—The elective system—Its gradual expansion—Progress dependent on success—Objects of Local Self-Government—Method of development.

In the preceding chapters an attempt has been made to show how far British rulers from the earliest times have sought to maintain, as far as possible, out of a regard for the interests and wishes of the people, the laws and institutions they found existing in the country. But they have also aimed at progress, and have therefore felt it necessary to introduce Western ideas and institutions and to adapt them to the circumstances of the country. They have done so partly in deference to advanced Indian opinion and

partly out of an honest belief that these ideas and institutions would really be an agency of progress, and that they would be a means of securing the moral and intellectual advancement of the people and bringing to them an improved material condition and greater happiness.

The systematic bodies of laws called Codes or Acts that have been passed in this country embody modern ideas. It is not always, nor in every country, that laws have existed in the form of codes. But that form has this advantage that the law is expressed in a clear, definite, well-arranged manner, that it is published to all the world and is capable of being easily ascertained and understood by students and practitioners, judges and magistrates, and even the general public. The English Parliament decided long ago on the necessity of having Codes for India. The Charter Act of 1833* stated that it was "expedient that, subject to such special arrangements as local circumstances may require, a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in the said territories at an early period and that such laws as may be applicable in common to all classes of the inhabitants of

* Section 53.

the said territories due regard being had to the rights, feelings, and peculiar usages of the people, should be enacted ; and that all laws and customs having the force of law within the said territories should be ascertained and consolidated, and, as occasion may require, amended." By the same Act the Governor-General in Council was directed to issue a commission to be known as the Indian Law Commission with the fullest powers "to enquire and report on the existing laws and the judicial machinery," and the reports were to be laid before Parliament. Macaulay was the most prominent member of the first Indian Law Commission.

It should be noted that according to the direction of Parliament, in the preparation of the codes due regard was to be had to the rights, feelings, and usages of the people, and that the existing laws, written as well as customary, were to be fully ascertained. In the next place the equality of all men in the eye of the law was declared in unequivocal language. "All persons whatsoever, as well Europeans as natives" were to be subject to a general system of judicial establishments and police; and such laws were to be enacted as might be applicable in common to all classes of inhabitants. In regard to their form the Indian Codes have been highly spoken of by competent authorities. A distinguished English

lawyer* says they are "the best models yet produced." As to their substance it is enough to say that their basis is the law of England stripped of its local peculiarities, and modified with regard to the condition, institutions and climate of India, and the character, religions and usages of the population.†

Equality in the eye of the law is a great blessing to a people. It means that there are no privileged classes or individuals, that the oppressor's wrong cannot go unpunished, that all enjoy equal and impartial protection of the law, that all have the same rights of citizenship. There is not in India any distinction of the *jus civile*‡ and the *jus gentium*§ as there was in ancient Rome. It has to be remembered that this principle of legal equality was recognised by British rulers. It was declared by the Charter Act of 1833 and solemnly and emphatically repeated by the Queen's Proclamation of 1858 and later Royal Proclamations. As regards the criminal law it finds expression in the Penal Code which declares‖ that every person shall be liable to punishment under the Code and

* Sir Frederick Pollock.

† The Anglo-Indian Codes, by Whitley Stokes, Vol. I, General Introduction, p. xxvi.

‡ Civil Law: law applicable to the *Civis* or citizen.

§ Law applicable to the (conquered) races or nations.

‖ Section 2.

not otherwise, for violating its provisions in British India on or after the 1st January, 1862.*

The English rulers have taken steps towards the establishment of equality and personal liberty. They have abolished slavery and have given the same legal rights to all,—to persons of every race, sect, and class, and to persons standing in any relation to each other in domestic or social life,—to husband and wife, father and son, master and servant, zamindar and raiyat, prince and subject. It has become an accepted principle of the English system of administration that the law is no respecter of persons.

Justice is openly and publicly administered. The ordinary courts are open to the public not only for the purpose of instituting proceedings but also for the purpose of witnessing proceedings practically in any case whatsoever. The presiding officer may take steps to prevent over-crowding or disorder, but, generally speaking, any one has a right to go into a court and see how cases are tried. An opportunity is thus given to the public to judge for themselves how justice is administered. The proceedings in courts of law or in legislative assemblies or councils are ordinarily allowed to be published. There have been periods

* A few of the highest officials are not subject to the jurisdiction of the Indian Courts and are triable only in England. These little exceptions may well be ignored.

even in the history of England when in the trial of certain classes the proceedings have been secret; and the freedom of reporting debates in Parliament was recognised only in 1771 after a bitter and protracted struggle between the press and the magistracy on the one hand, and the House of Commons on the other.

Cases have to be decided according to law as well as equity and good conscience, but not according to the discretion or caprice of the judge. Every person that seeks justice may move the machinery of the courts. No case is decided without giving a full hearing to both parties through their advocates, or personally if they cannot engage any. Evidence is openly given, under conditions that the law lays down. Each party has the right to test the evidence given by the other by cross-examination. In criminal cases no evidence is ordinarily received against an accused person otherwise than in his presence. In all cases evidence has to be given on oath or solemn affirmation, and the penalties are serious for giving false evidence. Under certain circumstances it is an offence to decline to give evidence. In a word every possible safeguard has been taken for thorough investigation of facts in an ordinary judicial trial, and for fair and impartial administration of justice.

A criminal or rather an accused person is

judged only by the evidence that is produced against him with reference to the particular crime with which he is charged: and it is the business of the complainant or prosecutor to offer evidence upon which a conviction is demanded. If no such evidence is forthcoming, the accused person is discharged. According to the inquisitorial procedure which obtains in France, an accused person is liable to have his private character and all his antecedents ransacked and if a suspicion could be raised that he was a likely person to have committed the crime in question by reason of his character and past history, he would be called upon to prove his innocence. If he failed to give adequate proof he would be convicted. Obviously the prisoner is at a great disadvantage under the latter system.*

The criminal law of a country is a measure of the personal liberty enjoyed by its inhabitants. Under the English system safeguards have been provided that personal liberty may not be needlessly or unjustly imperilled. Where a person has committed or is believed to have committed a crime, a complaint has to be made against him. The party that gives information or makes a complaint is liable to be punished if his information or complaint turns out to be false. Then the

* See Sheldon Amos's "Systematic View of the Science of Jurisprudence," pp. 349, 350.

person against whom a complaint is made or information laid, has to be brought before a court. Except in the case of the graver offences, a man cannot be arrested without a warrant. At the trial an accused person may be defended by counsel and he cannot be convicted or punished before being heard in his defence. He is presumed to be innocent until his guilt is proved. He cannot be examined or cross-examined as a witness, but he is permitted to make a statement and offer evidence in his defence if he pleases. These are great advantages to a prisoner ; any greater could hardly exist. Some are special to the English system. They all indicate a great regard for personal liberty. Several of these are privileges that have made their appearance late in English history. The criminal law of England has not always been as fair and generous as it is now ; on the contrary there was a time when it was extremely unfair to prisoners. "The deepest stain upon the policy of irresponsible government is to be found in the history of the criminal law. The lives of men were sacrificed with a reckless barbarity worthier of an Eastern despot, or an African chief than of a Christian state." * It was only in 1836 that after a contention of many years the privilege was secured

* The Constitutional History of England, by Sir Thomas Erskine May, Vol. III, p. 393.

to prisoners, on trial for felony, of being heard by counsel.

Under some very special and exceptional circumstances a person may be placed under personal restraint otherwise than in pursuance of some judicial proceeding. The circumstances are set forth in Regulation III of 1818, the Bengal Criminal Law Amendment Act, 1925, and some other laws and regulations. For reasons of State the Governor-General in Council may issue a warrant of commitment directing that an individual should be placed under personal restraint, against whom there may not be sufficient ground to institute a judicial proceeding. The person so placed under restraint is not declared as convicted of any offence, nor has he to undergo any labour. Care is taken of the health and comfort of a State prisoner, and provision is made for his support according to his rank in life and to his own wants and those of his family.

The institution of Trial by Jury was introduced by the Code of Criminal Procedure of 1861. Prisoners who are tried in the High Courts are tried by a judge and a jury and a unanimous verdict is final, though the judge may be of a different mind and opinion. In Courts of Sessions prisoners are tried by judges assisted either by juries or assessors. The Local Governments determine by notification the districts in which

trials are to be held with the aid of juries or of assessors. In any trial before a jury it is for the judge to decide questions of law and for the jury to determine questions of fact. The judge, at the close of the hearing, sums up the evidence in his charge or address to the jury, interprets the law applicable to the case and puts to the jury the question or questions of fact upon which their verdict has to be given. Trial by jury is in England a valued popular right and is an institution of very long standing. It is one of England's gifts to Modern India. The advantage to the prisoner lies in the fact that questions of fact are determined not from a technical point of view by a lawyer, but from a broad, commonsense point of view by laymen. It is also an advantage that questions of fact are determined from an independent as distinguished from an official point of view.* That trial by jury may be a success, that is, may result in the efficient administration of justice, it is necessary that jurors should be intelligent and fairly well-educated men, and, above all, honest and independent.

Political progress has been sought to be achieved not only by the passing of laws in accordance with advanced Western ideas and by providing a machinery for their proper administration,

* See Sheldon Amos's "Science of Law" (The International Scientific Series), pp. 267-70.

but also by the introduction of a system of Local Self-Government. It only means that some or all the local concerns of a locality are managed directly by local authorities. In nearly all cases of local self-government some powers of supervision and general control are retained by the Government. In regard to matters municipal there is local self-government in Calcutta. That means that the municipal affairs of Calcutta are managed not by the Government of India nor by the Government of Bengal, but by a body called the Corporation of Calcutta which is controlled by the representatives of the rate-payers of the town. A detailed account of systems of local self-government in India will be given in a later chapter. It is necessary here only to explain the meaning of the phrase and indicate the purposes of the institution.

Local self-government of a certain kind is an ancient institution in India. Megasthenes has referred to the municipal administration of the ancient city of Pataliputra under the first Maurya Emperor Chandragupta, by a commission of thirty members. The perfection of the municipal arrangements indicated in the account of Megasthenes is astonishing. "Examination of the departmental details increases our wonder that such an organization could have been planned and efficiently operated in India in 300 B.C. It

may be doubted if any of the ancient Greek cities were better organized."* The whole fabric of the administration of the Chola Kingdom in South India between A. D. 800 and 1300 "rested upon the basis of the village, or rather of unions of villages. Each union managed its local affairs through the agency of an assembly (*mahāsabhā*) which possessed and exercised extensive powers subject to the control of the royal officers. The assembly was elected by an elaborate machinery for casting lots, and the members held office for one year. Each union had its own local treasury, and enjoyed full control over the village lands, being empowered even to sell them in certain contingencies. Committees were appointed to look after tanks, gardens, justice, and other departments."†

Village disputes were decided by local bodies. The village police was locally constituted and was under local control. The *punchayet* decided social as well as legal controversies. The system of local self-government introduced into India by British rulers, especially since the days of Lord Ripon is, perhaps, more uniform and more widely prevalent. It is worked out with a view to practical efficiency and political education of the people. The objects sought to

* The Oxford History of India, by V. A. Smith, p. 87.

† The Oxford History of India, by V. A. Smith, p.212.

be attained are, first that local concerns should be properly managed by men with local knowledge ; second, that in this way the higher authorities should be relieved of a portion of their burdens ; and, third, that the people should be gradually trained in the art of self-government. For the last of these purposes local officials are associated with elected representatives of the people. The whole system is a tentative one, and, as it succeeds, it is being gradually extended and developed. That is to say, it is being extended over a larger and larger area, the constituencies are being enlarged, and the elective system is being expanded. Apart from the constitution of local self-governing bodies, the elective principle is every day receiving wider recognition. The majority of the members of the Provincial Legislative Councils and of the Indian Legislature are, under the Act of 1919, directly elected by the qualified voters. From the example of the Government the people are coming to apply the elective principle more and more to such of their own concerns as admit of its application.

Systems of local self-government differ from each other in regard to their constitution, in regard, for instance, to the strength or proportion of the elective element and the degree of supervision or control reserved to superior authorities. Local self-government is opposed to central or

centralised government. The policy of the rulers is gradually to decentralise Government or to extend local self-government. But in this as in other matters they guide themselves by no theoretical principles, but study the lessons of experience and proceed cautiously. The Decentralisation Commission, presided over by Mr. C. E. H. Hobhouse, M.P., made recommendations for further decentralisation, and legislative effect has already been given to many of these recommendations.

Self-governing institutions develop in the ordinary way from the smaller into the larger, and the capacity for self-government grows likewise from the management of the smaller bodies to that of the larger. Government are ready to grant an extension of self-government only when it has succeeded on a smaller scale. The system of self-government has therefore gone on developing with the increasing fitness of the people. We may notice that so far back as 1882 a resolution of Lord Ripon's Government laid down in the clearest terms that the object of local institutions was to train the people in the management of their own local affairs, and that political education of this sort must generally take precedence over considerations of departmental efficiency. One of the fundamental principles of the Montagu-Chelmsford Reforms is that "there

should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control." In 1918 the Government of India issued an important resolution laying down in general terms certain lines of progress. While reiterating the principles enunciated by Lord Ripon's Government, the new resolutions proceeded to affirm that the general policy must henceforward be one of gradually removing all unnecessary official control and differentiating between the spheres of action appropriate for Government and the local institutions. This policy is already being pursued in Bengal, where official Chairmen of District Boards are giving place to elected non-official Chairmen, and the proportion of non-official elected members is being appreciably increased. The introduction of the Reforms has transferred the control of local self-government to Ministers responsible to the legislature, and as a consequence, during the last few years, almost every local Government has been zealous to foster the progress of local institutions.

Political progress of the country has also been advanced considerably by the foundation, since the year 1885, of the Indian National Congress which has steadily advocated the increasing association of Indians in the different branches of the administration and the greater participation of the

children of the soil in the deliberations of the Government. Popular Government advocated by nationalist leaders is by no means an exotic in this country. In ancient times the administrative business of the clans and also the more important judicial acts were carried out in Public Assembly, at which young and old were alike present.* The Indian demand for self-government met with a sympathetic response from British statesmen and on August 20, 1917, the late Mr. Montagu, the Secretary of State for India, made the famous declaration that "the policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire." The preamble of the Government of India Act, 1919, recites this declaration in unambiguous terms and the Act itself marks a substantial step in the direction of progress towards responsible government by the creation of an electorate and the bestowal of some share in the work and responsibilities of government on those whom the electorate chooses to represent its interests. The Great War

* Cambridge History of India, Vol. I, p. 176.

of 1914-18 evoked in India claims for equality with the self-governing dominions of the British Commonwealth of nations and her great services were rewarded by admission to the Imperial Conference and the League of Nations. On October 31, 1929, Lord Irwin, the Viceroy, declared that "he was authorised on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the declaration of 1917, that the natural issue of Indian Constitutional progress, as there contemplated, is the attainment of Dominion Status." The assurance was reiterated by Lord Willingdon, the next Viceroy, on August 28, 1933 and by Sir Samuel Hoare, the Secretary of State for India, on February 6, 1935, while moving the second reading of the new Government of India Bill the object of which is the establishment of an All-India Federation embracing the States and a number of autonomous Provinces.

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CHAPTER IV

Suppression of Social Abuses

Suppression of indecent, immoral and criminal practices—History of the practice of Sati—History of measures for its repression—Hook-swinging—History of measures for its repression—Attitude of the Government towards social evils—Infanticide—Immoral practices—Remarriage of Hindu widows—Removal of the disabilities of converts—Female education—Laws in restraint of indecent and immoral practices.

Religious and social usages of all races and sects have been respected under British rule. Such of them, however, as were of an objectionable or criminal character, could not be tolerated. Those practices would be regarded as of a criminal character which would tend to the destruction of human life or to the infliction of injury on person or property. Whenever any usages had to be stopped the rulers proceeded very cautiously and paid due respect to the opinions of the society concerned. They have in the first instance given a warning or taken only mild action and have trusted to the accomplishment of reform by the society. It is only where warning has been unheeded, where mild measures have failed, and where society as a whole has been unable or unwilling to effect the necessary reform, that the ruling power had to

exert its authority and uproot the evil by legislative or executive action. Great as was the contribution of British statesmen, the fact should not be forgotten that the movements for reform owe their origin and inspiration in many cases to eminent Indians like Rammohan Roy, Iswarchandra Vidyasagar, B. M. Malabari and others.

A conspicuous instance of social reform accomplished by Government with the co-operation of Indian leaders like Raja Rammohan Roy is the abolition of the practice known to Englishmen as *Sati*, or, according to the older spelling, *Suttee*.

Sati means literally a virtuous wife. The practice known as *Sati* means a woman's burning herself to death on the funeral pyre of her husband. The origin of the practice is unknown. A widow might according to *Shastric* injunction either live a life of *Brahmacharyya* or she might burn herself. The sacrifice, to be of any merit, was to be voluntary. In course of time, the abuse grew up to practically compelling widows to perform *Sati*. The woman was very often goaded on to self-immolation at a moment when she was overcome with grief and had scarcely strength enough to judge or courage enough to resist. It is said that sometimes she was drugged into giving consent.

This evil had assumed such proportion in the early years of the nineteenth century that the

Government could not overlook it. In 1805 the Government of Lord Wellesley asked the Appellate Judges "to ascertain how far the practice was founded on the religious opinions of the Hindus. If not founded on any precept of their law, the Governor-General hoped that the custom might gradually, if not immediately, be altogether abolished. If, however, the entire abolition should appear to the Court to be impracticable in itself or inexpedient, as offending Hindu religious opinion, the Courts were desired to devise means for the prevention of the abuses, such as the use of drugs and the sacrifice of widows of tender age." The judges asked the pandits if a widow was "enjoined" by the *Shastras* to perform *Sati.* They answered that every woman of the four castes was permitted to burn herself except in certain cases. The judges in their reply to Government said "that they considered the immediate abolition highly inexpedient, although they thought it might be gradually effected, at no distant period." They also suggested the enactment of provisions for preventing the illegal, unwarrantable and criminal abuses which were known to occur in the performance of the rite.

In 1813 it was ordered that the *Sati* rite "should never take place without previous communication to the Magistrate or the principal officer of police, who was to ascertain that it was

entirely voluntary: that the widow was not under the influence of stupefying and intoxicating drugs ; and that she was not under the age of sixteen, and not pregnant. " The rite was to be performed in the presence of the police who were to see that no intimidation or violence was employed. These measures did not prove effective. Raja Rammohan Roy vigorously protested against the practice. In 1823 Lord Amherst made illegal the burning of a widow with the body of her deceased husband. It was also laid down that widows intending to perform the rite should personally apply to a Magistrate, that families in which *Sati* took place would be disqualified for Government employment, and that all property belonging to the *Sati* and her husband was to be forfeited to the State.*

Even these measures proved insufficient. It was reserved for Lord William Bentinck to extinguish the evil. Soon after his arrival in India he circulated a letter to some of the officers of Government calling for their opinions with regard to the abolition of the practice. Having obtained the opinions he decided to suppress *Sati*, throughout British territory. On the 4th December, 1829, Regulation XVII of 1829 was passed by

* For a more detailed account, see P. N. Bose's History of Hindu Civilisation, Vol. II, Ch. III.

the Governor-General in Council " for declaring the practice of *Sati* or of burning or burying alive the widows of Hindus illegal and punishable by the criminal courts."

The preamble to the Regulation is worthy of study. It runs as follows: " The practice of *Sati* or of burning or burying alive the widows of Hindus is revolting to the feelings of human nature; it is nowhere enjoined by the religion of the Hindus as an imperative duty; on the contrary a life of purity and retirement on the part of the widow is more specially and preferably inculcated, and by a vast majority of that people throughout India the practice is not kept up nor observed. In some extensive districts it does not exist. In those in which it has been most frequent it is notorious that in many instances, acts of atrocity have been perpetrated which have been shocking to the Hindus themselves, and in their eyes unlawful and wicked. The measures hitherto adopted to discourage and prevent such acts have failed of success, and the Governor-General in Council is deeply impressed with the conviction that the abuses in question cannot be effectively put an end to without abolishing the practice altogether. Actuated by these considerations the Governor-General in Council—without intending to depart from one of the first and most important principles of the system of British Government

in India, that all classes of the people be secure in the observance of their religious usages so long as that system can be adhered to without violation of the paramount dictates of justice and humanity—has deemed it right to establish the following rules, which are hereby enacted to be in force from the time of their promulgation throughout the territories immediately subject to the Presidency of Fort William." The rules which follow, relating to the duties of Zamindars and the police when they receive information of an act of *Sati*, need not be here reproduced.

The abolition of hook-swinging is another though a less notable instance of social reform effected by Government. In the year 1856-57, the Calcutta Missionary Conference memorialised Government asking for the suppression of the cruelties, the acts of barbarism and suffering which accompanied the celebration of the ceremony of the *Charak Puja* during the three principal days of the festival. "These devotees," it was said, "cast themselves on thorns and upraised knives; they pierce their arms or tongues by iron arrows, draw strings through the flesh of their sides, or fix thereto spikes that are heated by continually burning fire, while others swing on the *Charak* tree by hooks fastened through the muscles of their backs." After careful consideration Sir Frederick Halliday, Lieutenant-Governor of

Bengal, came to the conclusion that as the case was one of pain voluntarily undergone, the remedy must be left to the missionary and the school-master, and that, as stated by the Court of Directors, all such cruel ceremonies must be discouraged by influence rather than by authority. *

When Sir John Peter Grant was Lieutenant-Governor of Bengal (1859-1862) the Calcutta Missionary Conference again petitioned the Legislative Council on the subject and the petition was forwarded to the Secretary of State. Queen Victoria's Government were of opinion that every opportunity should be taken of discountenancing the practice, and they suggested the propriety of inserting in all leases, for Government lands, a provision hostile to the celebration of the festival; of enlisting in the same direction the sympathies of the leading members of the Indian community, and quietly making known the disapprobation with which such spectacles were regarded by Government. Sir J. P. Grant called for reports from the Commissioners of Divisions and learnt that hook-swinging was confined to Bengal proper and Orissa. Where this practice existed as a long-established custom the local authorities were directed by using their personal influence and by obtaining the co-operation of the Zamindars, to

* Bengal under the Lieutenant-Governors, by C. E. Buckland, Vol. I, p. 32.

induce the people voluntarily to abandon the practice. Where *Charak*-swinging was not an established custom but a mere occasional exhibition, the Magistrates were authorised to prohibit its celebration as a local measure of police for the preservation of order and decency. The practice was reported to be gradually dying out.*

In 1864-65 the subject came up again. Sir Cecil Beadon, Lieutenant-Governor of Bengal, issued a resolution on the 15th March, 1865, suppressing the cruel practices. † Magistrates of districts in the Lower Provinces were required to direct all persons to abstain from the act of hook-swinging or other self-torture, in public, and from the abetment thereof, and take such order with property in their possession or under their management as might serve to prevent the commission of the act. Persons who disobeyed any such injunction were to be prosecuted and punished according to law.

The history of these two reforms is interesting if only because it shows the unwillingness of Government to interfere with social and religious usages, the incapacity of society in these cases to effect the reform itself, and the determination of Government to suppress the evil where society

* *Ibid*, Vol. I, p. 177.
† *Ibid*, p. 312.

proves itself unequal to the task. In both cases much-needed reforms were tardily carried out only because Government decided to let the society concerned have an opportunity of rectifying its own abuses. The evils of *Sati* had existed for a long time, but since the attention of Government was called to them it took them about a quarter of a century to accomplish the reform. The policy of non-interference with matters domestic, social and religious, has been a marked characteristic of English rule, but an equally marked characteristic has been an intolerance of abuses. No action is taken in a hurry. Great forbearance is shown. But if ultimately the people are found unable to help themselves, Government are ready to use the strong arm of authority in protecting the weak against the strong, removing injustice and oppression and even saving people from the evils of their own social life.

Infanticide prevailed in this country to an appreciable extent before the days of British ascendency. Women consigned their new-born children to the *Ganga Sagar* or gave them up as a propitiatory offering to some god or goddess, in accordance with some vow they may have taken, or as the price of some blessing which they sought. In some parts of the country, especially in the Punjab, the United Provinces and parts of the Bombay Presidency it was not an uncommon

practice especially among the Rajputs to kill female children as soon as they were born, for the expenses would be great in marrying them, or because by being married below their social rank they might bring dishonour on their family. Those inhuman practices have now been killed out by the general criminal law of the country, by special laws for the registration of births and deaths, and by administrative arrangements for supervision of criminal practices.* Under the Indian Penal Code, to cause the death of any human being, whatever his or her age, with the intention of causing death, constitutes the offence of murder, or as it is technically called, culpable homicide amounting to murder, and is punishable with death or transportation for life. By the same Code care is taken to provide, by way of explanation, that it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.† It is also provided that whoever being the father or mother of a child under the age of twelve years or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning

* For a detailed statement of facts and authorities, see Strachey's "India," 3rd Edition, pp. 395-400.

† Section 292, *Explanation.*

such child, shall be liable to be severely punished. If the child die in consequence of the exposure the offender may be tried for murder or culpable homicide.* A certain class of ascetics sometimes thought it necessary for some of their religious ceremonies to offer human sacrifice and for this purpose they killed human beings or procured the killing of them. It is not possible for them to indulge in that practice now without making themselves liable to be tried for murder or the abetment of it. A law may not be able to extinguish a crime. Infants may still be killed and human sacrifice made, but these acts can no longer be performed openly and as of right, even on any supposed ground of religion. They can only be perpetrated as crimes, in secrecy, and, when detected, they will be punished under the law.

Though there may still be found subsisting in unexplored corners of social life practices of a grossly objectionable and even criminal character there can be no doubt that under British law the sanctity of the person has been universally respected. No one can with impunity violently lay his hands on another. The law has given equal protection to all. The person is inviolable alike of prince and peasant, Brahmin and Pariah. A certain class

* Section 317.

of reforms that Government have accomplished is in the nature of an enlargement of the liberty of individuals, especially of women, in social life. Hindu society had not tolerated the remarriage of widows belonging to the higher castes. That is to say, a widow belonging to any of these higher castes could not, even if she was her own mistress, contract at her option a marriage that would be recognised as legally valid. Nor could the guardians of a widow, who was legally a minor, give her away in marriage if they chose. These restrictions on the liberty of widows and their guardians have now been removed. Pandit Iswarchandra Vidyasagar started a movement in favour of the reform, wrote tracts to prove that remarriage was sanctioned by the *Shastras* in certain cases, and submitted petitions to Government praying for a law to remove the disability of widows to re-marry. Government were convinced of the necessity of the reform; and they decided to have a permissive or enabling law passed. In 1856 a Bill was brought in by Sir J. P. Grant as member of Council, and passed as Act XV of that year, to remove all legal obstacles to the marriage of Hindu widows.* The first clause of the Act is "No marriage contracted between Hindus shall be invalid and the issue of

* Bengal under the Lieutenant-Governors, Vol. I, p. 22.

no such marriage shall be illegitimate by reason of the woman having been previously married or betrothed to another person who was dead at the time of such marriage, any custom and any interpretation of Hindu Law to the contrary notwithstanding."

Another instance of reform is that with reference to the legal rights of Hindus converted to Christianity. Converts were at one time supposed to be incapable of inheriting any property to which but for their conversion, they would be entitled, and they were supposed also to be liable to forfeit rights and property they already possessed. This incapacity was removed by Act XXI of 1850, which declared that "so much of any law or usage now in force within the territories subject to the Government of the East India Company as inflicts on any person forfeiture of rights or property, or may be held in any way, to impair or affect any right of inheritance, by reason of his or her renouncing or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said territories."

The evils of child marriage enforced by social usage attracted the attention of reformers like

Keshavchandra Sen and B. M. Malabari and were sought to be remedied by the Age of Consent Act passed by the government of Lord Lansdowne in 1891. In 1930 Rai Sahib Harbilas Sarda's Child Marriage Act was passed by the Central Legislature to "discourage the solemnization of marriages between boys of under 18 or girls of under 14 years."

Education of women reached a very high level of excellence in ancient India. But it was found to be in a state of decay in the early days of British rule. In 1849 Lord Dalhousie informed the Bengal Council of Education that henceforth its functions were to embrace female education, and the first girls' school recognised by Government was founded shortly afterwards by a committee of Indian gentlemen. The Despatch of 1854 directed that female education should receive the frank and cordial support of Government as by "this means a far greater proportional impulse is imparted to the educational and moral tone of the people than by the education of men." The Education Commission of 1882 advised that female education should receive special encouragement and be treated with special liberality. The Government accepted this view; and State funds are more freely used, and State management more largely resorted to, for this object than is

considered desirable in the case of the education of boys.*

In the interest of social well-being Government have thought fit to pass laws with regard to decency and morals. Such laws are to be found in various Police Acts and in the Indian Penal Code.† There are laws, for instance, in restraint of gambling, the keeping of disorderly houses, indecent behaviour in public, the singing of obscene songs in public places, the sale of obscene books and other acts calculated to outrage and debase the moral sense of the people. It may be generally observed that anything said or done in public which offends the sense of decency or morality, or which tends to corrupt the morals of the people, or to lower their moral standard, has been discouraged.

*The Imperial Gazetteer of India, Vol. IV, p. 431.
†Chapter XIX.

CHAPTER V

EDUCATIONAL WORK

Education, in the widest sense, England's mission—The educative value of Political institutions—Academic education—Primary—Secondary—Higher—Technical education—Elementary—Higher—Medical education—Legal education—Normal School—Agricultural Colleges—Education in Arts—Principles of academic education—Controversy between Anglicists and Orientalists—The Education Despatch of 1854—Education open to all—Institutions for special classes—Religious neutrality in education—Various methods by which intellectual culture is promoted.

Education in the broadest sense of the word may be described as England's mission in the East, her highest aspiration. It is certainly the chief work to which she has devoted herself. The laws that have been passed, the institutions that have been established, have had as their object not merely the satisfaction of practical needs, but also a training of the people to new ideas and modes of life. They have generally been in advance of the ideas of the people. They have awakened in men a sense of their rights by conferring the rights. They have taught men to appreciate blessings by giving them blessings. In a word, men have been educated or are in course of being educated by laws and institutions

to feel new wants and to be conscious of rights, obligations and advantages. Trial by jury was introduced into British India not merely to secure a better administration of justice but also to accustom the people to the institution and teach them to perform new duties by the bestowal on them of new rights. So well have the people been educated by the institution to appreciate the new rights that they are now making a demand for its extension to new districts. The various measures of local self-government which have been introduced, have taught the people to perform new duties by the exercise of new rights. Their value has been mainly educative. So greatly has the object of the rulers been realised that now there is a widespread popular demand for the extension and development of local self-government. The reforms to be described in the next three chapters, classed under the headings economic, material, and civic, while no doubt they have been meant to achieve progress in some direction or other, have all, at the same time, been directed to the education of the people. The desire of the rulers has been to place before the people new ideals, to accustom them to new habits of thought and life, and to develop their capacity in various directions. The political and social work of England in India has also been educative. That single word, "Education," com-

prehends nearly all that Government have done or can do in this country. Education of the people means also the elevation of the people.

It should, however, be remembered that, as in the field of social reform, so, too, in the domain of education the pursuit of a progressive policy was rendered possible by the active co-operation and far-sighted wisdom of enlightened Indians like Raja Rammohan Roy, Sir Syed Ahmed Khan and Sir Asutosh Mookerjee.

This chapter is devoted to academic education, to the principles upon which it is founded, and the institutions through which it is imparted and also to the facilities provided for intellectual, mechanical and aesthetic training. In regard to the subject-matter of instruction, education may be classified as literary, scientific, moral, technical, professional and artistic. In regard to degree or extent, education may be classified as primary, secondary and higher and those are exactly the terms used in India in describing the different parts of the educational system.

Primary schools are those in which the most elementary instruction is given. The courses of study are not the same all over India, nor is the management everywhere the same. The type of primary school varies from the primitive village *pathshala* or *maktab* to the modern form of schools in which instruction is more advanced and

systematic. Generally speaking, all that a primary school attempts is to teach the child to read and write his own language, to enable him to do easy sums and understand simple forms of native accounts and the village land-record papers; and to give him a rudimentary knowledge of common objects, geography, agriculture, sanitation and the history of India. This is the standard in towns; in rural schools the course is more elementary. A comparatively small but steadily growing number of primary schools is now managed directly by Government; most are administered by municipalities and district boards or by private persons or bodies. In Bengal and Burma the majority are under private management. They are indigenous schools which have been brought to conform to the requirements of the Education Department; some are schools of a more modern type started by Indian proprietors; others belong to various missionary societies.

The special obligation of Government towards the vernacular education of the masses was declared by the Court of Directors in 1854, and it has been accepted by the Government of India. The obligation has been discharged on an ever-increasing scale; still the progress of primary education has not been nearly as great as could be wished.

We may notice that one effect of the transfer of education to the charge of popular Ministers has been the strengthening of the contact between the Education Department and public opinion. Broadly speaking, it is now left to the Legislative bodies in the Provinces to determine the best method of adapting the educational system to the needs and circumstances of the local population. Almost every province in India is now displaying great educational activity; and it speaks well for the clear-sighted perception of the Ministers in charge of education that in most places the major portion of their attention is being devoted to a concerted attack upon illiteracy in its very stronghold—namely, the masses of the population. But the problem is so huge that in spite of the best efforts of the popular Ministers we have hitherto obtained very poor results. Out of 271 million inhabitants of British India, only some 12·6 millions are at present being educated. In other words, hardly 5 per cent. of this vast population is pursuing any course of instruction. In the primary schools, which must constitute the foundation of any solid educational structure, scarcely 3 per cent. of the population is enrolled. Obviously, therefore, illiteracy is general. According to the census of 1931, the number of literates in India was about 28 millions, a figure which included about

23·9 million males and 4·1 million females. It is pointed out by critics that the educational curriculum in the primary schools is based more or less upon the needs of those who aspire to a course of literary education, than upon the requirements of the agricultural population. Vocational training, has recently been advocated by many Indian educationists. In their opinion the predominantly literary type of instruction which has set the tone of the curriculum from top to bottom has exercised very unfortunate influences upon the system of education in this country. It has, however, to be remembered that in the Universities of India there are faculties not only for arts and law, but also for science, medicine and engineering. Educational institutions have, in some cases, organised commerce and technological classes. These can only be a success if there is a genuine and continuing demand from trade and industry for youngmen trained to certain specific capabilities.

There are three classes of secondary schools,—the middle vernacular schools, the middle English schools and the high schools. The middle vernacular school course is a prolongation of the primary course. In the middle English schools English is taught as a language and is also used as a medium of instruction. The range of studies is about the same as in a middle vernacular school.

The high schools, or, as they are called in Bengal, Higher English schools, generally teach up to the standard of the Matriculation. They provide a course of instruction that begins with the most elementary. Boys who have received their early education elsewhere may be admitted into the class for which they may be found fit.

There has been of late an increasing realisation among the Provincial authorities that secondary education in India, although quantitatively more satisfactory than primary education, possesses qualitatively very serious defects. It is still in many parts of India of very poor standard and badly regulated. The defects of secondary education were for the first time authoritatively brought to notice by the Calcutta University Commission, whose Report represents a landmark in Indian educational history. It is now generally admitted that secondary education in India needs to be radically remodelled in order to bring it more closely into contact with the needs and aspirations of the country. There is a growing realisation that since under the most favourable circumstances, the largest proportion of the population of India cannot hope to pursue its formal education beyond the secondary stage, the structure of secondary education should be well-balanced and complete in itself. It was for this state of affairs that the Calcutta University

Commission desired to find a remedy; and the proposals of the Report regarding the separation of secondary from University education, the erection of the former into a self-contained system, and the confining of each to its proper sphere, are now being carried out in almost all the Indian provinces. Boards for Secondary and Intermediate Education—stages which together constitute a complete pre-University course—have been set up in various parts of India where they did not previously exist ; and progress is being made with the constitution of Intermediate Colleges at suitable centres.

Some local authorities have approved of schemes providing for the recognition of local vernaculars as media of instruction in certain subjects and also the inclusion of subjects in the curriculum specially meant for girls. A new development in recent years has been the spread of the boy scout and *vratachari* movements in public schools which has an excellent effect in creating among boys an active sense of good discipline.

Higher education in India is given in Universities and in Colleges affiliated to Universities. The Universities of Calcutta, Bombay and Madras founded in 1857, the University of the Punjab incorporated in 1882, and the University of Allahabad established in 1887, were at first

merely examining bodies having no teaching function. This was regarded as a serious drawback both in administrative and in academic circles. The Government of India, accordingly, decided that the Indian Universities should be Teaching as also Examining Institutions. Nowhere was this view more authoritatively set forth than in the following passage quoted from a speech delivered by Lord Curzon himself on the 13th February, 1904, at the Annual Convocation of the Calcutta University: " What ought the ideal University to be in India, as elsewhere? As the name implies, it ought to be a place where all knowledge is taught by the best teachers to all who seek to acquire it, where the knowledge so taught is turned to good purposes, and where its boundaries are receiving a constant extension. If I may borrow a metaphor from politics; there is no scientific frontier to the domain of knowledge. It is the one sphere where territorial expansion is the highest duty instead of an ignoble greed. Then, the ideal University that we are contemplating should be centrally situated; it should be amply and even nobly housed; it should be well equipped, and it should be handsomely endowed. In these conditions, it would soon create an atmosphere of intellectual refinement and culture, a moral equality and influence would spring within it, and traditions of

reverence would grow up like creepers round its walls."

The ideal so eloquently expressed was soon afterwards translated into the phraseology of the Legislature in Section 3 of the Indian Universities Act, 1904, which was in the following terms: "The University shall be and shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power to appoint University Professors and Lecturers, to hold and manage educational endowments, to erect, equip, and maintain University Libraries, Laboratories and Museums, to make regulations relating to the residence and conduct of students, and to do all acts, consistent with the Act of ncorporation and this Act which tend to the promotion of study and research."

The Calcutta University, of all the Indian Universities, under the able and far-sighted guidance of its Vice-Chancellor, the late Sir Asutosh Mookerjee, was the first to realise this new responsibility, and plans were immediately made by him to transform the Examining body into a Teaching organisation. The Government of India, at first, gave tangible evidence of their desire to help the University in the attainment of this object, and an ambitious scheme for the development of post-graduate teaching, study and

research in the Faculties of Arts and Science was formulated.

Of late, however, University education in India has undergone a striking change as a result of the lead given by the recommendations of the Calcutta University Commission presided over by Sir Michael Sadler. Only a few years ago, the typical Indian University consisted of scattered Colleges, one often separated from the other by many miles. In lieu of this system, the Calcutta University Commission recommended the creation of centralised unitary Universities, residential and teaching bodies, in which all instruction was to be given by University teachers under the direct control of the University authorities. This change was to be accompanied by the removal from the University stage of all teaching which did not strictly belong to it: and the creation of new Institutions to be called Intermediate Colleges, which should provide a logical culmination to the secondary schools course, and enable the majority of pupils to obtain a complete education of a satisfactory kind without entering the University at all. The majority of the reformed Provincial Governments are now giving effect to such recommendations of the Calcutta University Commission as seem to harmonise with local conditions. In the United Provinces new Universities have been opened at Benares (1916), Aligarh (1920), Lucknow

(1920), and Agra (1927). The original University at Allahabad has been transformed into a unitary and teaching University and its outlying Colleges have been attached to the newly created University of Agra. The Benares Hindu University which was originally established in 1916 has been further reorganised by the Acts of 1922 and 1930. This institution, the Muslim University at Aligarh and the University of Lucknow are of the unitary type. The first two are intended primarily for the benefit of the two major communities of this country. The University of Patna came into existence in 1917. In Bengal, the University of Dacca was constituted in 1920 strictly on the lines recommended by the Calcutta University Commission. But it has not hitherto been possible to reconstitute the Calcutta University although the Sadler Commission was appointed mainly for its reform and reorganisation. New Universities have also been opened at Rangoon, at Delhi, at Nagpur and in Andhra. The Universities of the Punjab and Bombay have developed new honours courses, and added University teachers. The Madras University has been remodelled by an Act in 1923 and the Bombay University by an Act in 1928 which provide for a change in the controlling authorities. It should be noted that all the above mentioned Universities have got

constitutions based more or less on a wide democratic franchise except the Universities of Calcutta and the Punjab which still retain the constitution outlined in the Indian Universities Act of 1904, according to which not less than 80 per cent. of the members of the Senate depend for their tenure of office as members of the Senate on the nomination of the local Government. It is however a hopeful sign that the Rulers of Indian States have now begun to take interest in University education and as the result of their endeavours the Mysore University and the Osmania University at Hyderabad have come into existence. A new University has recently been established at Chidambaram in the Province of Madras as a result of an endowment created by an Indian gentleman, Sir Annamalai Chettiyar. At the present time there is a movement for the creation of a University at Baroda. Education of women made rapid strides within recent years and Professor Karve of Western India started an Indian Women's University some thirteen years ago. The year 1925 saw the establishment of an Inter-University Board which is intended to serve as a bureau of information and facilitate the co-ordination of the work of the Universities.

So far a sketch has been given of the system that exists for providing a liberal education.

There exist also institutions for various special kinds of education. The subject of technical education early attracted the attention of Government. In Bengal, in 1863-64, Sir Cecil Beadon induced the Government of India to sanction, as a Government Institution, the Industrial School of Arts which had been founded in 1854 by a number of gentlemen, designated the Society for the Promotion of Industrial Art, as the school had become practically dependent on Government. The objects of the school were to introduce among the people an improved taste and appreciation of the true principles of art, in matters both of decoration and utility, and to supply draftsmen, designers, engineers, modellers, lithographers, engravers, etc., to meet the demand for them in this country.* During the Lieutenant-Governorship of Sir Richard Temple, technical education was advanced by the foundation of survey schools at Hughli, Dacca, Patna and Cuttack. Technical education was not at first popular in this country. Such of it as existed, consisted in instruction given to their own children by handicraftsmen belonging to the artisan castes. A carpenter brought up his son as a carpenter, and so on. Industrial education of

* Bengal under the Lieutenant-Governors, Vol. I, p. 289.

a systematic academic kind was not appreciated. Of late, however, it has grown in popularity, and institutions for imparting it are rapidly on the increase. A few of the more important are managed by Government, some have been established by municipalities and local boards, and others are maintained by missionary societies or private benefactors.* The question of improving the system of industrial education has lately been under the consideration of the Government and provision has been made for sending a certain number of advanced students to obtain technical training in Europe or America.† The Calcutta University also grants similar facilities for technological instruction and research.

Technical education of a higher and scientific kind is given in colleges of engineering. There are such colleges in Madras, Bombay, Bengal, Bihar and Orissa and the United Provinces. The colleges at Roorkee in the United Provinces and at Sibpur and Poona, are the largest. The newly started Benares Hindu University also provides ample facilities for the study of mechanical and electrical engineering. The Victoria Jubilee Technical Institute in Bombay is an institution for the

* The Imperial Gazetteer of India, Vol. IV, p. 436.

† *Ibid*, p. 438.

training of engineers, mechanicians and draftsmen. The Industrial Commission and the Senate of the Calcutta University have made recommendations for much larger expansion in this direction, which are engaging the attention of the authorities.

Medical education is given in colleges established for the purpose at Calcutta, Madras, Bombay, Lucknow, Lahore, Delhi and Patna, and in Medical schools,—mostly Government institutions. The Calcutta and Madras Government colleges were founded in 1835, the Bombay and Lahore colleges were founded in 1845 and 1860, and very recently a school of Tropical Medicine has been opened at Calcutta. In consequence of religious prejudice there was in the old days a repugnance to the European system of medicine, and the student of the Calcutta Medical College, who first performed an act of dissection of a dead body was regarded as having accomplished a bold feat. To attract students to that college, stipends had to be given to them. Private Medical Institutions and Hospitals have recently been established and are steadily attracting public and Government support and are considerably supplementing the Medical education of the country. The Carmichael Medical College at Belgachia was established in 1917.

Legal education is given in law colleges now established in most of the provinces of India. A central law college in Calcutta was established by the University in 1909 through the exertions of its Vice-Chancellor, the late Sir Asutosh Mookerjee. A well-equipped and up-to-date Hostel named after Lord Hardinge, the late able and popular Chancellor of the University, is attached to it.

With the development of self-governing institutions the defence of India must increasingly be the concern of her own people. With this object in view a Military Academy has recently been opened at Dehra Dun.

It is enough barely to refer to such special institutions as normal colleges and schools for the training of teachers, all Government institutions, and the schools that are springing up, or the classes that are being established, for giving commercial education to boys. The latter class of institutions is most developed in Bombay but is making a headway in Bengal also.

Agricultural education is essential for the improvement of the condition of the agriculturist. The need for agricultural colleges to provide education in scientific agriculture for those engaged or intending to be engaged in farming, was recognised as soon as the Agricultural Department was reconstituted in 1905. In addition

to the full degree or diploma course, these colleges provide courses of one or two years in modern agricultural methods leading up to a certificate in agriculture. There are now six such colleges at Poona, Coimbatore, Lyallpur, Nagpur, Cawnpore and Mandalay, of which the first five are affiliated to local Universities. The Agricultural Research Institute at Pusa* in the Darbhanga district of Bihar, and the Imperial Institute of Animal Husbandry and Dairying at Bangalore provide post-graduate courses. The Calcutta University established a Professorship of Agriculture with the endowment of Kumar Guruprasad Singh of Khaira. In some provinces agricultural schools have been opened. There are three such schools in Bombay which initiated the experiment; two in the United Provinces, and one each in Bengal and Madras. Some of the pre-existing schools were closed as a measure of retrenchment. A more recent attempt at agricultural education is the introduction of agriculture as an optional subject in the ordinary vernacular or anglo-vernacular middle schools of the Education Department. First introduced in the Punjab, where over 3,000 boys are attending agricultural classes, this

* It has recently been decided to transfer the institute to Delhi. The Botanical section will, however, remain at Pusa.

successful experiment in adapting education in rural areas to rural needs, is being adopted in other provinces.*

In 1929 an Imperial Council of Agricultural Research was established to foster agricultural and veterinary research in India.

Each nation has its own artistic sense, its own special type of art. Science is the same for all countries, but the art of a nation is peculiar to itself. The Schools of Art which exist in Calcutta, Madras, Bombay and Lahore, are Government institutions. The Madras School was opened in 1850, the Calcutta School in 1854, and the Bombay School in 1857. Private Schools of Art have also come into existence and receive Government and public support.

Apart from schools and colleges there have been established such institutions as libraries and museums for the purpose of promoting learning and encouraging research. The Imperial Library in Calcutta is a Government institution. Libraries of respectable dimensions are attached to many Government colleges. Aid is given by Government to some libraries owned by learned societies, especially for the purposes of collecting and cataloguing rare or ancient works. The

* India in 1926-27, by J. Coatman, pp. 128, 129.

Library of the Calcutta University is fast growing in size, usefulness and importance.

The Economic Museum in Calcutta was established by Sir George Campbell, Lieutenant-Governor of Bengal. Realising the importance of obtaining an adequate knowledge of the products of the country he was inclined to favour the idea of an economic survey. As a first step he thought it well to provide a place in which specimens of the economic, vegetable and other products of the country might be placed and made accessible to the public. The Economic museum came to be such a place. It now forms an annexe to the Indian Museum. Both raw materials and manufactures are collected and classified in this institution. There is an economic museum at Lucknow and there is another in Bombay. Botanical and Zoological gardens are also great educative factors.

The work that is being done in regard to education not only in the way of establishing, reforming or extending the scope of schools and colleges, but also in the way of providing facilities for intellectual culture, is so rapidly progressing that it is scarcely worthwhile giving any details as to figures. But it is essential that the principles which underlie the educational work of England in India should be fully grasped. It has already been observed how the indigenous,

that is, the Oriental system of education was not only continued but encouraged and developed in the early days of British rule. In a short time it came to be doubted if that system was by itself sufficient to supply the intellectual needs of the people and give them the best and the most useful culture according to modern standards. A controversy arose and two parties were formed. It was generally recognised that vernacular education should be extended. The Orientalists contended that this was to be supplemented by a study of the classical languages of the East, because the indigenous laws, literature and religion were enshrined in those languages. The Anglicists argued that higher education was to be given through the medium of English, because apart from the merits of the language itself, it would be a key to the treasures of Western thought and science. Among them were many leading members of the Indian community, the most conspicuous of whom was Raja Rammohan Roy. The battle was decided in favour of the Anglicists. The success of that party was due mainly to the ability and determination with which Lord Macaulay, Legal Member of Council and a member of the Council of Education, pressed the case. Lord William Bentinck accepted the views of Macaulay as expressed in his famous Minute of 1835, and soon after, his

Government issued a Resolution announcing their decision in favour of Western education. It is in consequence of that decision that English has continued up to the present day as the medium of advanced instruction and has produced the most momentous changes in the life and thought of those who have received it and through them, of a large portion of the Indian people. It has brought the Indian mind into contact with the most advanced Western thought, has quickened it with a new life, and has not only developed intellectual and practical capacity but has bred high aspirations, intellectual and political. Vernaculars are now given their proper place in the educational curriculum of the country. Their systematic study is insisted on in the under-graduate as well as in the post-graduate stages. The Calcutta University has established a Fellowship in Bengali and it has also made elaborate arrangements for post-graduate studies in the Indian Vernaculars.

Schools and colleges were established in various parts of the country by Government, by Christian missionaries and by enlightend members of the Indian community. But the progress of education up to 1853 was not very rapid. In 1854 a new impetus was given. Sir Charles Wood (afterwards Lord Halifax) being President of the Board of Control, the Court of Directors

decided that the Government should afford assistance "to the more extended and systematic promotion of general education in India," and addressed the Governor-General in Council a memorable despatch which sketched in outline a complete scheme of public instruction, controlled, aided and in part directly managed by the State. The principles then laid down were re-affirmed in 1859 after the transfer of the administration to the Crown, and still guide, in the main, the efforts of the Government for the better education of the people.* The despatch described among other things the constitution in each province of a Department of Public Instruction and the institution of Universities in the Presidency towns.

In the British period most of the schools and colleges have been thrown open to all classes whatever their race, religion, caste or position in life. As in law so in education the principle of equality is usually recognised. It is a principle which has resulted not only in the spread of education among all classes, but has in an indirect way largely influenced the modes of thought of the Indian people. In addition to the schools and colleges open to all, special institutions have been established for the benefit of particular classes. There are special schools, for instance, for the education of low-caste children.

* The Imperial Gazetteer of India, Vol. IV, p. 418.

These schools have been established mostly by private bodies, particularly Christian and other missionaries, but they have received encouragement from Government. Several Chiefs' Colleges, all Government institutions, have been established, of which the most important are at Ajmer, Rajkote and Lahore. The object is to give young chiefs and nobles an education fitting them for their position.

Government have done much for the education of the people of India. They conduct the largest portion of academic education, —primary, secondary and higher ; vernacular and English. They have established numerous scholarships. They have not only their own schools and colleges, but they grant aid to many institutions. They have to take charge of special kinds of education,—industrial, scientific, artistic. Female education is largely in their hands. They have to look after the education of special classes,— aborigines and low-caste men on the one hand, nobles and chiefs on the other. It is under their auspices and by their encouragement that learned societies grow up and libraries are established. They start and maintain museums. To guide administrators in the future and to make it possible for histories to be written they preserve records. They encourage meritorious authors by purchasing numerous copies of their works.

They establish their own systems of research and they give help and encouragement to individuals and private bodies in carrying on research. When occasion arises they keep their officers on deputation to conduct some special research. They have authorised and helped Universities to take steps for promoting research. The central laboratory at Kasauli near Simla is an institution for research and with a similar object a school of Tropical Medicine has been started in Calcutta. The different scientific surveys to be referred to hereafter are in the nature of research. The census operations conducted from time to time come under the same category.

From very early times the Christian missionaries have done valuable work in the way of establishing schools and libraries, producing text-books and publishing other literature—vernacular and English. A portion of the burden of education has always been borne by private Indian enterprise, and public-spirited Indian gentlemen like Pandits Gangadhar, Iswarchandra Vidyasagar, Mr. Premchand Roychand of Bombay, Babu Prasannakumar Tagore, Babu Guruprasanna Ghosh, Sir Taraknath Palit, Sir Rashbehary Ghose, Kumar Guruprasad Singh of Khaira and the Tatas of Bombay have generously seconded Governmental efforts.

CHAPTER VI

ECONOMIC PROGRESS.

Agriculture—Chief objects of cultivation—Food-grains—Rice, wheat and millet—Jute—Sericulture—Tea, Coffee and Cinchona—Services of Government to Agriculture—Need of self-help—Free scope for enterprise—Exhibitions—Protection of Invention—Free Trade—Customs duties—Their history in India—Loans to agriculturists—Co-operative Societies—Savings Banks—Tenancy Laws—Famines—Causes—Measures of prevention and relief—Economic condition of the people.

The chief Indian industry is and has been for ages Agriculture. The chief articles of cultivation at the present day are rice, wheat, millet, maize, barley, oats, pulses, oil seeds, sugarcane, date-palm, cotton, jute, indigo, opium, tobacco, mulberry, tea, coffee and cinchona. Rice is more largely grown than any other article. The deltas of the great rivers of Lower Burma and Bengal, the deltas of the Godavari, the Krishna and the Kaveri, the long narrow strips of land fringing the coast, and the lowlands of Travancore, Malabar, Kanara and the Konkan, present all the conditions of successful rice cultivation, and constitute the great rice-growing area.* Throughout the remainder of the country rice is a subordinate,

* P. N. Bose's History of Hindu Civilisation, Vol. II, p. 175.

if not a rare crop. Millets take the place of rice in several provinces.

Jute is almost exclusively cultivated in Bengal especially northern and eastern Bengal. It grows best in the deltas of the Hughly, the Brahmaputra and the Megna. The development of jute cultivation and of jute industry is largely the product of British rule. With the increase of British trade in grains, especially wheat, grew up the demand for gunny bags, and this gave an impetus to jute cultivation.* The larger profits of the trade in jute tended to enlarge the area of jute cultivation and limit that of rice cultivation. But the recent world depression in trade has led to a fall in demand and slump in prices. An organised propaganda for the voluntary restriction of jute cultivation has been deemed to be necessary in recent times so that production may not grossly outstrip potential demand.

Sericulture is a very old industry in India. A brisk trade in silk existed at least as early as the first century A.D. When the East India Company established their trade marts in Bengal they found the silk industry in a declining state, and took great pains to revive it. As Bengal has always been an important seat of mulberry cultivation they established several factories with

* *Ibid*, p. 189.

numerous filatures in each, to which the cultivators brought their cocoons. They brought in 1769 a company of Italian reelers to teach their factory hands the Italian system of reeling. Bengal silk soon became an important article of trade and superseded all other silk in the European market. The palmy days of Bengal silk industry lasted till 1833, from which year the company abandoned the trade on their own account and it fell into private hands. Since then the trade steadily declined. The silk of Japan, of China and of the countries bordering on the Mediterranean Sea, began to control the European as well as the Indian market. As a result of the great war of 1914-18 the Indian silk trade has shown in some degree signs of revival.

Tea, coffee and cinchona are crops with which the peasantry of India have little or no concern. These agricultural industries are very largely financed by European capitalists, supervised by European skill, and, except in the case of coffee, were introduced into India under the auspices of the British Government.

A well-informed writer thus sums up the services of Government to agriculture:*

"Attempts to improve and expand the indigenous agriculture have been made by

* P. N. Bose's History of Hindu Civilisation, Vol. II, pp. 208-209.

Government ever since the time of the East India Company, as is well shown by the history of the silk industry in Bengal; of the introduction of Carolina paddy, American cotton, tea and cinchona; of the extraction of fibre from hemp ; and of the formation of sugarcane plantations on the model of those in the West Indies.

" But there existed no organization for this purpose previous to 1872,* when a department of Revenue, Agriculture and Commerce was established under the Government of India. * * * The Department was subsequently abolished, but revived by Lord Ripon by whom the scope of agricultural improvements was considerably enlarged." The Agricultural Department of the Government was further reconstituted in 1905 during the administration of Lord Curzon.

What Government have done in the way of promoting agricultural education has already been noticed. They appreciate so well the value of agriculture in this country that the idea of its improvement is never absent from their mind. Their services have not only been rendered in the past but are continuing. Under the Montagu-Chelmsford Reforms, agriculture has become a subject transferred to popular control, and

* But Strachey says (India, 352) " In 1870 a separate department of agriculture and commerce was created under the Government of India."

Ministers are now taking steps for the improvement of the agricultural condition of the different provinces in the country. Government officers have been making a study of the diseases of cattle and pests of plants and of the merits of particular kinds of manure. Already good results have been achieved in these subjects and there is expectation of more. In 1926 a Royal Commission was appointed under the presidency of the Marquis of Linlithgow to examine and report on the present conditions of agriculture and rural economy in British India and to make recommendations for the improvement of agriculture and the promotion of the welfare and prosperity of the rural population. The Commission thoroughly studied the agricultural problems of India and have made elaborate recommendations for the improvement of agriculture. An Imperial Council of Agricultural Research was established in 1929 to foster agricultural and veterinary research on an All-India basis. The Council has been joined by several Indian States. In 1935 the Viceroy, Lord Willingdon, laid the foundation stone of an Imperial Agricultural Institute at Delhi.

Industry, trade and commerce constitute a sphere of life in which, pre-eminently, the people must help themselves. Labour and capital are essential to the growth of industry, but it may be

said generally that for the industrial and commercial progress of a nation there are needed also certain intellectual, moral and social qualities,— technical knowledge and skill, for instance, a spirit of enterprise or adventure, honesty, mutual confidence, capacity of organisation, power of associated action, and what may be called generally habits of business. It is not possible for Government to render much direct assistance to the industries of the people by advancing capital or supplying labour. But Government can give indirect help and that help has been given to some extent in this country. As has been shown in a previous chapter they have been giving industrial education to the people and at the present moment there are schemes for a great expansion of it. Separate departments of the Government of India control Commerce and Industrial movements which have received a marked impetus within the last few years from various causes. Respectable classes now take much more freely to commercial and industrial life than before, and Government assist in the movement. They often purchase stores in the local market, giving a preference to the products of Indian industry. No higher privilege could be expected from Government than free scope for commercial and industrial enterprise, and that the people have generally obtained. Tea planting was

at one time a purely European industry; recently, however, there have been tea companies composed entirely of Indians. Mining business also is now to some extent in the hands of Indians. Mills and factories are coming to be established with purely Indian capital.

Industrial exhibitions help the growth of industries by spreading knowledge of them, suggesting new ideas to observers, and widening the markets for articles of the kinds exhibited. Government have held such exhibitions in favour and have often given help and encouragement to the parties organising them. A Commercial Museum has also been established in Calcutta.

The general dependence of Indian economic progress upon Indian Industry is obvious. The Indian Industrial Commission (1916-18) pointed out that India was unable, despite her wealth in raw materials, to produce more than a small fraction of the articles essential for the maintenance of civilised activities. Development has hitherto been slow, for few Indian industries, except those based on some natural monopoly, could hope to make headway against the scientific production and organised competition of Western countries. Recent experience, however, has demonstrated the possibility of successful State intervention on behalf of national industrial development. With the introduction of the reformed

constitution, industrial development has become a provincial transferred subject. In consequence, the policy to be pursued in granting assistance to industries, the development of industrial education, and to a large extent the research work necessary to establish the value of raw materials are now all controlled by Indian Ministers in charge of the provincial Departments of Industries. With a view to providing facilities for high grade instruction in mining, engineering and geology, it was decided by the Central Government in 1920 to establish a School of Mines at Dhanbad in the province of Bihar, and that School was in 1926 opened by His Excellency the Viceroy, Lord Irwin. A promising beginning has been made in the grant of technical scholarships from the central revenues.

Under the laws of the country the authors of inventions, that is, machines or other contrivances of a useful character which are original in design, are encouraged by securing to them the fruits of their originality. When the articles are patented no one is at liberty to produce one like it by imitating the original design. If such a protection were not given men might produce copies of the contrivance and sell them at a cheaper rate than the original. The inventor would thus make no gain out of his original design, and all incentive would be taken away from creative genius. The

protection of inventions stimulates originality and is a help to industrial progress.

Customs duties have an important bearing on trade. England accepted long ago the principle of what is called Free Trade; that is, she decided to impose no duties either on her exports or imports. The principle has reference only to foreign and not to internal trade. In India, the duty on imports was much higher than that on exports. Exemptions from export duty were made from time to time, and in 1875 the only exports still taxed were rice, indigo and lac. English cotton goods were among the articles on which import duties were imposed. In 1876 the Secretary of State decided on a repeal of those duties, and in 1877 the House of Commons passed a resolution affirming that policy. In India effect was given to that policy in the two succeeding years by the repeal of duties on many articles and on several kinds of manufactured cotton goods. In 1882 import duties on all articles, with only two exceptions, were repealed. They were retained on salt and liquors, because those articles are subject to an internal excise duty. Arms and ammunition were afterwards subjected to a duty on political grounds. A small import duty was imposed on petroleum which came from Russia and America. The principle of Free Trade in

regard to imports was thus for a time very largely established in India.

In 1894, in consequence of financial pressure the Government of India changed their policy. The principle of Free Trade was partially changed. " The tariff of 1875 under which, with the exception of the precious metals, almost everything imported into India was subject to a duty of 5 per cent. was with some modifications restored." * Silver bullion was included among dutiable articles, and cotton goods then excepted were afterwards included. In 1896 cotton yarns were freed from duty. A duty of 3½ per cent. *ad valorem* was imposed on cotton manufactured goods imported from abroad and a corresponding excise duty at the same rate was imposed on goods manufactured at mills in India.† In 1917, and again in 1921, the general *ad valorem* duty, and, with it, the import duty on cotton goods was raised to 7½ p.c. and, again, from 7½ to 11 per cent. But the Indian Fiscal Commission of 1921-22 unreservedly condemned the existence of the cotton excise duty in view of its past history and associations and recommended its immediate repeal, and the Government of India have recently given effect to this recommendation. Owing

* India, by Sir John Strachey, p. 183.

† *Ibid*, p. 184. See Chapter XII generally.

to the financial difficulties of the Government of India, there have recently been many changes in the customs tariff of India and the customs revenue is now mainly derived from the general import duties, certain special import duties such as those on arms, liquor, articles of luxury like motor cars and cycles, silk piece-goods, etc., sugar, petroleum and tobacco, and certain export duties on rice and jute.

Government have adopted several measures to help agricultural classes and in particular to relieve them of indebtedness. One of the most important of these is the practice, which is now in common force, of the grant to cultivators of Government loans, often made on the joint and several responsibility of the villagers for agricultural improvements and the purchase of seed, cattle, etc.

Another powerful instrument for the improvement of the depressed condition of the Indian agriculturist is the Co-operative Society in its various forms. The Co-operative Credit Societies (of which there are now over 70,000 in India) are specially meant to encourage thrift amongst the agriculturists, to enable them to borrow money at cheap rates on their joint credit and to lend them out amongst themselves on easy terms. These societies and various other kinds of societies, such as agricultural purchase and sale

societies, manure supply societies, fishermen's societies, weaver's societies, co-operative stores, etc.—are being started all over the country. In Bengal, there are now over 6,000 of these societies, and in India, there are more than 70,000 of them.

Another institution intended to encourage habits of thrift, is the Savings Bank. Until 1882-83 the savings bank business was carried on in the three cities of Calcutta, Madras and Bombay by the Presidency Banks, and in other places at the Government treasuries. This system did not prove successful. The business grew slowly. The establishment of savings banks in the post offices was followed by a rapid change and the number of depositors and the total of the deposits have largely increased. The banks were not started only for the benefit of the agriculturists. They are also extensively patronised by other classes of the community.*

Amongst measures for the benefit of ryots may be mentioned various tenancy laws that have been passed. These are different in different parts of the country, varying according to local conditions and the kind of tenure prevailing. But they all have tended in one direction, namely, to free the ryot from the chances of irregular exaction and other kinds of oppression, to fix his rights and liabilities,

* The Imperial Gazetteer of India, Vol. IV, p. 524.

to provide simple methods of payment of rent, and at the same time to allow the landlords every reasonable facility for realisation of rent and for the protection of their own rights.)

Important schemes of rural development have in recent years been initiated by the Government of Bengal. They include the creation of a new department under a Rural Development Commissioner, the restoration of the dead rivers of Bengal with a view to check the progressive agricultural deterioration of certain areas, the removal of agricultural indebtedness and stimulation of co-operative mass action.

Famines are one of the great scourges of the country. They are occasioned by failure of the food crops; and failure of crops is occasioned by bad seasons of drought or flood. In consequence of failure or deficiency the price of food-grains rises high, and not only agriculturists but all other poor people such as petty artisans or traders, greatly suffer. The extreme poverty of these classes, occasioned not only by the smallness of their gains even in good seasons, but also by the growth of their families, their habits of thriftlessness, and sometimes of litigation, makes them live from hand to mouth in ordinary times. In seasons of scarcity they are unable to fall back upon any savings and distress is the result. Even when there is food in the country, these classes have

not money enough to buy it with, and, if not aided, they may die of starvation or of diseases. The dearth of foodstuff in the country, caused by failure or excess of rain or other natural calamities, is aggravated by exports to foreign countries and insufficient means of internal communication. The people are uncomplaining and it is not till the situation is acute that their want comes to be generally known. Relief then comes from the Government, and from the people of the country.

It is necessary here only to refer to the measures which Government have been taking to prevent famine as far as possible. Amongst preventive measures may be mentioned Irrigation Works to supply the deficiency of rains, and Railways for the ready conveyance of food to the affected area. When famine has actually broken out, Government distribute food as charity to some classes and open what are called relief works for other classes. Relief works are works of public utility, roads for instance, upon which able-bodied men accustomed to labour are employed. Complete or partial remissions of the revenue payable by distressed men, and loans on reasonable terms, are granted where the occasion demands such a favour. Government also encourage the raising of public subscriptions in aid of the distressed.

India suffered from three great famines during the last quarter of the nineteenth century. The period opened with the famine of 1876-78 in southern India and closed with those of 1896-97 and 1899-1900. The total direct expenditure on famine relief since 1876 amounts to an average of one crore a year. The actual cost to the State is much greater, including loss of revenue and indirect expenditure. In 1878, during the Viceroyalty of Lord Lytton, it was decided to allot annually a sum of 1½ crores of rupees for Famine Insurance. The actual relief of famine in years of scarcity has always been the first charge on the grant. At first the balance was devoted to the construction of 'productive' public works the cost of which would otherwise require to be met by loan. In 1881 'protective' public works which were calculated to mitigate or prevent famine in the areas served by them, were made the second charge on the grant. The actual distinction between protective and productive works became gradually obscured, and railways which formed part of the general system and were not constructed specially for famine purposes, were assisted from the 'protective' works portion of the famine grant. At the end of 1899 this practice was abolished. The expenditure on 'protective' works was limited to three quarters of a crore, and only railways and irrigation

projects actually undertaken for famine purposes were allowed to be included in the category.*

Shortly before the introduction of the Montagu-Chelmsford reforms, expenditure on famine relief was made a divided head, the cost being borne by the Central and Provincial Governments in the proportion of three to one. Since the inauguration of the reforms the Provincial Governments have been required to make in every year provision of certain specified amounts, in their budgets, for expenditure upon relief of, and insurance against, famine. Under this arrangement, the Government of Bengal have to set apart the sum of Rs. 2,00,000 per year for constituting a Famine Insurance Fund. Thus the Provincial Governments have been made wholly responsible for all expenditure in connection with famine relief.

The question whether the economic condition of the Indian people is improving or not has been debated very often. The materials for a scientific study of wages, family budgets, income—save the income of a few classes of the population—and the like, are not available. In January, 1925, an Economic Enquiry Committee was appointed under the presidency of Sir M. Visvesvaraya with the following terms of reference:—

"To examine the material at present available

* The Imperial Gazetter of India, Vol. IV, pp. 188-89.

for framing an estimate of the economic condition of the various classes of the people of British India; to report on its adequacy; and to make recommendations as to the best manner in which it may be supplemented, and as to the lines on which a general economic survey should be carried out, with an estimate of the expenditure involved in giving effect to such recommendations."

The Committee submitted its report in August, 1925. The report shows clearly the paucity of the materials at present available in India for estimating average income, crop production, cost of living, wages, and other cognate subjects. No estimate could be formed of the national wealth of India because such necessary materials for the estimate as statistics of taxation and capital, estate duty statistics, and the like, are wanting. Any estimate of individual wealth, therefore, appears to be quite impossible under the present conditions. So no attempt at a detailed and satisfactory description of the economic state of the Indian people can be made. It is to be hoped that intensive enquiries like those conducted by the Labour Bureau of the Bombay Government, by the Punjab Board of Economic Enquiry, the Bengal Economic Society, and similar bodies in India will be extended and their results made readily available, for it is easy enough for rival apologists, who maintain, on the one hand, that poverty in

India is increasing, and, on the other hand, that it is decreasing, to build up their arguments by picking and choosing what suits them from the present very incomplete materials.*

*India in 1925-26, by J. Coatman, pp. 239-41.

CHAPTER VII

MATERIAL PROGRESS.

Constructive work—Roads—Railways—Civil aviation—Telegraph lines—Telephone lines—Surveys—Trigonometrical—Magnetic—Topographical—Forest surveys—Frontier and trans-frontier surveys—Revenue survey—Topographical—Village—Cadastral—Survey of India Department—Special surveys—Marine—Geological—Botanical—Archaeological—Mills and factories—Industries of Bengal—Mineral resources—Reclamation of waste lands—Tanks and wells—Fortifications—Dockyards—Harbours—Landing places—Bridges—Preservation of forests—Irrigation works—Measures for sanitation—Hospitals—Dispensaries—Lunatic asylums—Medical relief of women—Leper asylums—Prevention of epidemics—Medical research—Vital statistics—Vaccination.

The most palpable of England's gifts to India are the material works, the constructive works of public utility with which this country has been endowed. The older Indian Governments notably that of the Mauryas and of Sher Shah, were not unmindful of their duties in this respect. But before the days of British rule roads were fewer in India. "Before the establishment of our Government," observes Strachey, "there was hardly a road deserving the name in all India. Under the Native Governments that preceded us (I am quoting from the Indian Famine Commissioners of 1880) nothing more was done than to plant

trees along each side of the track used as a road, and occasionally to throw up earth on it when it passed through a depression; such bridges as existed were made at the private expense of civil magnates or governors desirous of leaving a name behind them." * Throughout a great part of India (it was only in the dry season that travelling was possible without difficulty) and, during three or four months of the year, trade, excepting where water-carriage was available, came altogether to a standstill.† During the administration of Lord Dalhousie great progress was made towards remedying the evil. Metalled roads, bridges and other useful works were constructed in the upper Gangetic Provinces and in the Punjab. The construction of the Grand Trunk Road was commenced. At the close of the Viceroyalty of Lord Canning, in 1861-62, there were in Bengal eleven Imperial Trunk Roads existing or under construction, extending over 1,994 miles, with Imperial branch roads aggregating 1,145 miles. The Grand Trunk Road from Calcutta to the Karamnassa was then nearly completed.‡

The necessity for extending India's roads is

* India, by Sir John Strachey, p. 212. Strachey, apparently, was not much conversant with the early history of India.

† *Ibid*, p. 213.

‡ Bengal under the Lieutenant-Governors, by C. E. Buckland, Vol. I, p. 29.

every day becoming more apparent. The economic loss caused by the inaccessibility of agricultural districts in the rainy season must be considerable; and this cannot be remedied until the system of trunk roads is more adequately developed. Some progress, it is true, is being made every year, but the rate falls far below the true requirements of the country. The total mileage of metalled and unmetalled roads maintained by public authority is still only about 216,000. Until this figure can be largely increased, it will be impossible fully to utilize the more speedy means of road travel which modern progress now demands. In 1927, however, the Government of India, in accordance with a resolution moved in the Council of State, appointed a Committee from both Houses of the Central Legislature to examine the desirability of developing the road system of India and the means by which such development could most suitably be financed. In pursuance of the recommendations of this Committee a Central Road Development account was instituted from the proceeds of an additional ear-marked taxation for road development levied on motor spirit since March, 1929. Further enquiries were conducted in 1933 and it is expected that attention will in future be paid also to local feeder or district roads which have hitherto been neglected.

The subject of Railway communication in India

was first laid before the Government of India by Mr. Macdonald Stephenson in 1843. In 1849 the East India Company engaged in a contract with the East Indian Railway Company, for the construction of an experimental line at a cost not exceeding one million sterling. In 1851 a line was surveyed between Burdwan and Rajmahal. Next year the survey was continued to Allahabad. In 1853 the Government of Lord Dalhousie submitted to the Court of Directors their views upon the general question of railways for India. The Court was advised to encourage the formation of railways in India to the utmost. Lord Dalhousie wrote his final minute on the subject in 1856. The East Indian Railway was opened in 1858, and it was gradually extended to Benares in December, 1862.* Two other great lines were opened about the same time: the Great Indian Peninsular Railway and Madras Railway, starting respectively from Bombay and Madras, and running through Western and Southern India. These lines were constructed by private companies, under a guarantee from the Government of a minimum return of 5 per cent. on the capital expended.† A great expansion of the railway system has indeed taken place in the course of

* Bengal under the Lieutenant-Governors, by C. E. Buckland, Vol. I, pp. 29-30.

† India, by Sir John Strachey, p. 215.

the last half a century.) In the year 1872, the total railway mileage amounted only to 5,369 miles. (On the 31st March, 1927, the figure was approximately 39,048 miles.) It is, however, undeniable that India still lags behind many other countries in the matter of railway facilities. India has nearly 352 million inhabitants who have to be content with approximately 39,048 miles of railways. England, so small by comparison both in population and in area, has 50,000 miles; and the United States of America a quarter million miles. It will thus be obvious that there is great need for further expansion of the Indian railway system.)

Civil aviation is a new factor in Indian communications. The Indian Government and Legislature are not forgetful of the desirability of moving abreast of other countries in this matter, and the appointment has recently been made of a Director of Civil Aviation in India. Rapid progress was made in the establishment of an air-ship base at Karachi in connection with the Imperial Airship scheme. The Government of India are also helping the establishment of the aeroplane service from Egypt to Karachi by providing the necessary aerodrome at the latter place. They have also made arrangements for the requisite meteorological and wireless facilities. The rapid progress of civil aviation in India has effectively

reduced her distance from Great Britain and has provided means of speeding up her internal communications.

Telegraph lines were also first laid during the rule of Lord Dalhousie. They are now very largely concurrent with railway lines all over the country. We may notice also that at the end of the year 1924, the total line and cable mileage was 43,000, carrying just under half a million miles of wire. (There are now some 11,000 Telegraph Offices and nearly 24,000 Post Offices in India with more than 158,700 miles of mail lines.)

There has been in recent years a considerable growth of the Telephone branch. In 1931-32 the total number of telephone exchanges owned and maintained by Government was 271, with 21,355 connections. In addition there were 25 Licensed Telephone Exchanges with more than 28,189 connections. Considerable extensions have also been made in the Trunk Telephone Lines, and new and important Trunk Circuits have been opened throughout India and Burma. The Government of India have recently created an office under the Department of Industries and Labour to deal with broadcasting.

For different purposes and from different points of view the country has been subject to surveys of

various kinds. There have been systematic investigations yielding accurate knowledge of a geographical, economic and scientific character. They have mostly been made during the British period of Indian history. The record that was made in the time of Akbar, during the latter half of the sixteenth century, of the revenue, population and produce of the portion of the country he governed, and the descriptive and statistical account of the different *subahs* or provinces, embodied in the *Ain-i-Akbari*, may be said to represent an early attempt at a survey, and in still earlier times Chola kings directed elaborate revenue surveys of their dominions. But these probably had little of the accuracy or thoroughness of modern operations in the same direction. The earliest attempt at a modern and accurate map of India,—for the results of Akbar's enquiries had never been embodied in a map,—was made by the French Geographer D'Anville in 1751-52, in accordance with the information then available. The knowledge thus furnished was extended by Major James Rennell who had served under Clive and who has been called the 'Father of Indian Geography.' His *Bengal Atlas*, based on his own personal work in surveying, was publised in 1781, and his *Memoir of a Map of Hindoostan*, in 1788. Two maps of India, one in the form of an atlas by Col. Call of Madras and the other by Col. Reynolds of Bombay, were completed towards the closing years

of the eighteenth century, but they were never published and they are not now in existence.

In the year 1800 Col. Lambton with the permission and under the patronage of the Government of Madras introduced a new method of geographical survey of Southern India. The Trigonometrical Survey of India—a survey by a system of triangles—was actually commenced in 1802. In 1818 the survey was brought under the control of the Governor-General, and the headquarters removed to Calcutta. Col. Lambton died in 1823, but the work he initiated has been continued ever since. The principal operations of the Great Trigonometrical Survey have furnished data for investigating the figure of the earth.

A survey of a purely scientific character is the Magnetic Survey of India and Burma, initiated by Professor Rucker, F.R.S., through the Royal Society in 1897. The work was commenced in 1901.

Topographical (or descriptive) Surveys have now been carried out throughout India and through the greater portion of Burma. But a survey of this kind is not older than the nineteenth century. It was begun about the same time as the great Trigonometrical Survey by Col. Colin Mackenzie, in Southern India. The Trigonometrical Survey was an aid to the Topographical. The earliest surveys were generally accompanied by '*Memoirs*' which contained

statistical, historical and descriptive details for the area embraced in the map. The surveys have been a thing of slow growth. The earlier operations were carried out in the Indian States and the non-regulation British Provinces. They were hardly systematically performed before the middle of the nineteenth century, and they have been especially active for only about fifty years. In recent years Indians have learnt the work of survey and survey parties now include an Indian element. 'The Survey of India' like other departments, is now divided into an Imperial and Provincial branch. The former is as a rule recruited from the Royal Engineers or the Indian Army; the latter consist of men enlisted in India to whom some of the higher posts of the department are open. There is also a subordinate, and practically Indian branch. * A special Forest Survey branch (of the Topographical Survey) was constituted in 1872, and was in 1900 amalgamated with the Survey of India.

For purpose of geographical exploration and the delimitation of frontiers, surveys have sometimes had to be carried out beyond India. Such were the surveys carried out during the Afghan Wars of 1878-80, and in the course of the operations of the Afghan Boundary Commission.

* The Imperial Gazetteer of India, Vol. IV, p. 498.

Frontier and transfrontier surveys are made by small survey detachments or single officers attached to boundary commissions or Frontier expeditions. " Their range may be said to extend from Nyassaland, Uganda and Abyssinia in Africa, through Persia and Afghanistan, with a break for the greater part of Tibet and Nepal, over the northern and eastern limits of Burma into China." *

The plan of training Indians in the elements of surveying with a view to their employment in exploration, and for the purpose of acquiring geographical information of countries beyond the Indian frontiers into which no British officer could penetrate, originated with Captain Montgomerie while engaged on the Kashmir Survey. His idea was " to employ Pathans for explorations in the Hindu Kush, the Oxus Valley, and Turkistan, and Bhotias or Tibetans for work in Tibet and on the borders of the Chinese Empire." †

Revenue surveys naturally form the basis of all settlement operations and of the entire revenue administration of the country. They were commenced in 1822, west of the river Jumna, in the Delhi, Panipat and Rohtak districts. Surveys of the Punjab, Oudh, Sind, the Central Provinces,

* *Ibid*, p. 497.
† *Ibid*, p. 499.

and Bengal, were executed during Col. Thuillier's administration of the revenue survey which lasted for thirty years, commencing from 1847. There are three classes of professional revenue surveys, namely, first, the topographical surveys, second, the village surveys, and third, the cadastral surveys, namely descriptive surveys showing the nature and extent of the different landed properties of a district and giving other statistical information. These were introduced in 1871. In several provinces and districts of India, settlement operations have sometimes been based on surveys carried out by local Indian agency of a non-professional character. The revenue surveys under the Government of India are divided into Upper and Lower circles, the former comprising the Punjab, the United Provinces, and Sind, the latter comprising Bengal (including what for a time was Eastern Bengal) and Assam, Bihar and Orissa and Burma. The Madras and Bombay presidencies have carried out their revenue surveys with separate establishments. The three survey branches, Trigonometrical, Topographical and Revenue, were at first separate departments. They were amalgamated in 1878 under the designation of the Survey of India, whose officers were to be available for any description of survey work that might be required, and were all placed under the orders of the Surveyor-General.

There have been some other surveys than those that are included in the work of the Survey of India Department. These are: (1) The Marine Survey. (2) The Geological Survey. The first object of the department which conducts this survey is the preparation of the geological map of India. (3) The Botanical Survey. Various plant collections have been made by or on behalf of this survey. Other work that has been taken in hand includes the improvement of Indian wheat, a study of sugar-cane diseases, and experimental cultivation of cotton. (4) The Archæological Survey. The department which presides over this survey looks after the preservation of ancient monuments, carries out excavations, copies inscriptions and does such other work. The preservation of ancient monuments was specially insisted on by Lord Curzon as an official duty and has been recognised as such since his time.

Mills and factories are a comparatively recent institution in India. Before 1851 there were no cotton mills in this country. Recently, however, a great many have come into existence, specially in Bombay, and their number and the scale of their operations are ever growing. Their products are sold not only in India but in Japan, China and other countries of Asia. The jute mills of Bengal are also in the increase and are an instrument of an extensive industry. There are large

and increasing exports of raw and manufactured jute from Calcutta. The mills that produce woollen goods in Northern India are concerns of growing prosperity. The paper mills are a flourishing concern; and rice and timber mills in Bengal and Burma are increasing in number and the extent of their business. The growth of mining and manufacturing industries has been rapid and extensive in recent years. It is observed in an official memorandum:*

"Great as has been the expansion of foreign trade at the ports of Bengal, it is altogether eclipsed by the outburst of mining and manufacturing activity, which is converting the metropolitan districts into a vast industrial tract. No mere enumeration of figures can convey the impression that would be derived from a voyage up the Hooghly, where the banks are studded with tall chimneys and every new reach of the river discloses a fresh vista of factories.......... The total number of mills and works, exclusive of those connected with tea, classed as large industries, increased from 891 in 1891-92 to 1,718 in 1900-01. These are classed under some fifty different heads, among these being bone-crushing mills, cement works, lac factories, oil mills, potteries, tile factories, sugar factories, tanneries,

* By Mr. L. P. Shirras, of the Indian Civil Service, quoted in Strachey's "India," p. 188.

rice and flour mills, silk mills and works, rope works, etc." There has been a still further increase in the number of mills and factories since the termination of the Great War. India has been listed by the International Labour Organisation as one of the eight most important industrial states in the world.

A comprehensive account of the industries of Bengal is to be found in a report by Sir J. G. Cumming, late of the Indian Civil Service.* The writer observes:

"The factories requiring extensive machinery, most of which are worked by European capital and under European supervision, are principally those in the vicinity of Calcutta on both sides of the Hooghly. Government is itself in Bengal a large employer of labour and a manufacturer on a large scale: of arms at Ichapore, of ammunition at Dum-Dum, of shells at Cossipore and Ichapore, of railway plant at Kanchrapara, Balliaghata, Sealdah and Chitpur, of steamers at Kidderpore, of clothing at Alipur, of telegraph stores at Bhowanipur, of opium and opium boxes at Patna, and of Canal stores at Dehri-on-Sone, Midnapur, Cuttack and Calcutta.

"It is not realised what an enormous variety

* Published as a Supplement to the *Calcutta Gazette*, August 26, 1908.

of industrial activity exists at present in Bengal, with part of which Indian capital might be more associated than it is. The Department of Commercial Intelligence takes as a standard for statistical purposes any factory which employs 50 workmen or more. Even on this standard we find the totals for Bengal in 1905 as tabulated in the Financial and Commercial Statistics of British India for 1907, under many diverse heads.

"I. *Textiles.* Ginning mills, Cotton mills, Jute mills, Jute presses, Rope works, Silk filatures.

"II. *Minerals.* Coal mines, Iron ore mines, Mica mines, Mica-splitting factories, Saltpetre refineries and Brass foundries.

"III. *Transport.* Dockyards, Railway Workshops, Tramway works.

"IV. *Miscellaneous.* Bone-crushing, Cement works, Chemical works, Brewery, Dairy farm, Flour mills, Ice and aerated water factories, Sugar factories, Gas works, Indigo factories, Kerosene tin works, Lac factories, Oil mills, Paper works, Pottery works, Printing presses, Soap factories, Tanneries, Tile factories, Miscellaneous private factories, Government factories."

The State is at the same time making continuous efforts to improve the housing and general conditions of labourers employed in mills and factories. In 1922, the whole law relating to fac-

tories was revised, and the new Factories Act provided, among a number of other reforms, for the introduction of 60 hours a week, the raising of the minimum age of children from 9 to 12, a large extension of the definition of "factory," and a complete prohibition of night work for women. Further slight amendments in the Act were made in 1923. The Trade Disputes Act of 1929 provides for the composition of industrial disputes by setting up courts of enquiry or Boards of Conciliation. A Royal Commission on Labour was appointed in 1929. Considerable progress has been made during recent years with the consideration of its recommendations, and action was taken by Government on some of them.

The mineral resources of India include gold, coal, iron, petroleum, salt, saltpetre, manganese ore, mica, ruby, sapphire, spinel and a few other things. During the last decade there has been a marked increase in the output of Indian minerals. The total value of the mineral production of India in 1923 was about 35 crores. Coal is the most important of these products, the value of its production being over 14½ crores. Indian coal has now almost completely displaced imported fuel. Iron ore also has at present become an important mineral product of India and its production has largely increased since the establishment of the Tata Iron and Steel Company in 1911. The num-

ber of mines of all kinds coming under the Indian Mines Act in 1921 was 1,035 of which 628 were coal mines.

The Indian Mines Act of 1901 has recently come in for a drastic revision. The chief reforms introduced into the new Mines Act of March, 1923, were the prohibition of the employment of children under 13 years, and the prevention of their presence below ground; the restriction of the hours of labour of adults to 60 hours a week above ground and 54 hours below ground; and the prescription of a weekly day of rest. At the same time by an enlargement of the definition of "Mine," the scope of the Act has been greatly extended. The Act also makes it possible for Government to prohibit employment of women below ground. The International Labour Conference held at Geneva in 1931 adopted a convention limiting hours of work in underground coal mines to 7¾ per day. The Government of India has accepted a resolution passed by the Central Legislature to implement the decision of the Conference.

In addition to the above pillars of industrial legislation in India, the Workmen's Compensation Act passed in 1923 introduced for the first time into this country a system for alleviating hardships caused by industrial accidents, whilst the Indian Trade Unions Act, which was

designed to encourage trade unionism on sound lines, was passed by the Indian Legislature in 1926.

From the very commencement of British rule steps have been taken for the reclamation of waste lands. Encouragement has been given in various ways to all who have reclaimed such lands.

Tanks and wells for the supply of drinking water to the people have sometimes been constructed not so much by the Government as at the instance of the Government. Their construction by private individuals has been encouraged and local bodies have sometimes been asked to provide for them.

Fortifications, as a necessary work of military defence, have been set up in all places open to attack by land or sea. There are dockyards in Calcutta and Bombay. There are harbours in those towns as well as in Madras, Karachi, and Chittagong. And there is the Diamond Harbour, a few hours' journey from Calcutta to the south. Jetties have been constructed in all the ports for convenience of landing. Facilities for landing have also been provided at river-side stations which never had them before. Magnificent bridges exist already, such as the Rori Lakkar bridge, the Sone bridge, the Jumna bridge, the Jubilee bridge at Hooghly, the Dufferin bridge at Benares and the Hardinge bridge at Sara. More are in course of construction.

Among the most beneficent measures of Government in regard to the material resources of the country are those for the preservation of forests. Laws have been passed and a Department of Government established for the purpose. Until the middle of the last century the Indian forests do not seem to have been subject to adequate care or supervision though it must be admitted that Hindu statesmen in ancient times laid down rules for the reservation and care of certain kinds of forest. The result was that in those parts of the country whence timber could be brought to market, a wasteful spoliation of them was carried on by private speculators. In other parts the firing of grass in jungle tracts to prepare the ground for crops. caused a wholesale destruction of timber while in some of the sub-Himalayan tracts the denudation of the mountain slopes, by the impetus given to floods, wrought great injury to the plain country at their base. More than eighty years ago a remedy began to be applied to this waste, and now the process of destruction has been arrested, and a very efficient system of forest conservancy and improvement established throughout the country.*

There can be little doubt that such a policy, if pursued in India, would, within a short time

* *Indian Polity*, by Sir George Chesney, 3rd Edition, p. 160.

produce remarkable results; for one-fifth of the total area of British India, or approximately a quarter of a million square miles is under the control of the Forest Department. Indian forests yield a considerable revenue to the State. The net profit in 1929-30 was about Rs. 2½ crores. It fell in later years to 80 lakhs. By improvements in the growing stock, by the development of new uses, markets and demands, by improved methods of extraction and exploitation, and by greater attention to minor forest products, the forests of India might be made among the most important sources of her national revenue. An immense scope thus exists for future expansion and the majority of Provincial Governments have now completed the re-organisation of staff required for developments in the immediate future. As a result of the recommendations of the Indian Industrial Commission, the forest Research Institute of Dehra-Dun has been considerably enlarged and fair progress has been made in many important investigations. The Forest Service College at Dehra-Dun opened in 1926 has recently been closed down.

Forests play a very important part in Indian political economy. Forests are agriculture's foster mother, for they exercise a marked influence on climate and rainfall. They hold toge-

ther the fertile surface soil; they store water and dole it out gradually, thus preventing disastrous floods and the formation of ravines; by checking erosion they prevent good soil from being washed into the rivers, and carried away to waste. Forests also directly increase the fertility of the land, being capable of forming rich vegetable mould even from mineral soils. Finally, in India, forests are a valuable asset in the time of famine, for they yield vast quantities of fodder and edible fruits and roots of which the poor readily avail themselves. Advantage of the visit of the Royal Agricultural Commission has been taken by forest officers to lay stress on the immense benefits that forestry can bestow on the peasant by providing him with wood-fuel so that cow-dung may be used as manure.*

In the work of the Irrigation Department we study Government activities on a very large scale. Between Lord Curzon's Irrigation Commission of 1901-03 and the year 1928, the number of irrigation works of importance in India has more than doubled, and the area irrigated by them has enormously increased. Irrigation works are the grandest in that part of the country where they were most wanted, namely, Northern India. The

* India in 1927-28, by J. Coatman, pp. 117-23.

Doab, lying between the Ganges and the Jumna, in the United Provinces, is protected by canals of great magnitude which distribute the water of those two rivers. Two large canals distribute the water of the Ganges, and three of smaller dimensions distribute nearly the whole of the water brought by the Jumna from the Himalayas. These canals are of larger magnitude than any that exists anywhere else in the world. In Bihar irrigation works are taken from the river Sone. There are minor works in Bengal and schemes have been initiated in recent times for the resuscitation of the dead rivers of the province. In Orissa also there are important irrigation canals. In the Punjab the Sirhind canal distributes the water of the Sutlej, and there is also a canal from the Chenab. The Punjab canal settlement is one of the most important in the country. In central and southern India large portions of the country are supplied with water from lakes or reservoirs. In the Madras Presidency a method has been employed for utilising the waters of the Godavari and the Krishna, different from that followed in the United Provinces and the Punjab. "At the head of each of the deltas formed by the rivers before they reach the sea, a great weir, or, as it is locally called, an *anicut* is thrown across the river, which is diverted into irrigation canals and distributing channels, some of which are also

used for navigation."* A similar method is followed in Tanjore, in the delta of the Kaveri. In British India the total length of canals and the irrigation works is about 75,000 miles, and the area irrigated by them is about 29·6 million acres. Irrigation is a subject which is still engaging the attention of the Government, especially in consequence of the stimulus given by Lord Curzon, and a great development of the system is expected. With the introduction of the Reforms, irrigation has been given the status of a Provincial subject and enhanced financial powers have been delegated to Local Governments in order to give them a much freer hand than they had previously possessed in respect of all important projects.

Mention may be made here of the more important of the new irrigation works. The greatest of these is the Sukkur Barrage or Lloyd Barrage in Sind, sanctioned by the Secretary of State for India in 1923 and opened by Lord Willingdon, the Viceroy, in 1932. Its object is to give an assured supply to, and extend the irrigation now provided by, the numerous inundation canals in Sind, which draw their water from the Indus. It will be by far the biggest work of its kind yet built. Second only in importance to the Sukkur Barrage Scheme is the Sutlej Valley project in the

* Indian Polity, by Sir George Chesney, 3rd Edition, p. 290.

Punjab which reached completion by the end of 1932-33. This will afford the existing canals an assured and controlled supply from April to October and will enable their scope to be extended so as to embrace the whole low-lying area in the river valley. It will also afford perennial irrigation to the uplands on both banks, which are at present entirely unirrigated, and, owing to the low rainfall, are lying waste. In March, 1925, the Secretary of State sanctioned the Cauvery (Kaveri) Reservoir Project in the Madras Presidency, the estimated cost of which amounts to £4½ millions. The scheme provides for a large dam at Metur on the Cauvery to store over 93,500 million cubic feet of water, and for a canal nearly 88 miles long with a connected distributary system.

It should not be forgotten, however, that irrigation in India does not end with her canals. Wells are and always will be a vital factor in Indian irrigation. Here, too, the Government takes an active interest, which is continually increasing. An area of approximately 48 million acres is irrigated in India (including Indian States) a large part of which is commanded by wells. *

Government have taken it upon themselves to improve the sanitation of the country, that is, to

* India in 1927-28, by J. Coatman, pp. 121-31.

make arrangements for the protection and improvement of public health. For this purpose they have organised the Medical and Sanitary Departments. Hospitals, Dispensaries and Lunatic Asylums have been established. Arrangements have been made for the collection of vital statistics, for general sanitation and vaccination, for medico-legal, bacteriological and other scientific investigations. To prevent the introduction of disease from foreign or distant places arrangements have also been made for the protection of the health of the ports and the control of the landing of the passengers and the crew of ships. Institutions for medical relief were established at an early date in the Presidency towns. In Madras a General Hospital was established in 1679 and four other hospitals between 1800 and 1820. In Calcutta the Presidency General Hospital was founded in 1795 and the Medical College Hospital in 1852-53. The Belgachia Medical College in the northern suburbs of Calcutta—the first non-official institution of the kind—is a notable educational achievement in recent times. During the first half of the nineteenth century, the Government of Bengal aided the foundation of hospitals and dispensaries in places of importance, where the inhabitants were ready to help in this work, provided that a medical officer was available to take charge of the new institution. Later, the Government consent-

ed to supply officers of a rank depending on the amount of local subscriptions, and to furnish instruments and medicines. Since the creation of Municipalities and of District Boards, local authorities have taken an increasing share in the provision of medical relief. Except in Bombay, Upper Burma, and the Central Provinces, the Government maintain very few hospitals ; in almost all provinces the great majority of medical institutions are supported by municipal and district boards. In some cases the Government assist by supplying officers, making contributions, and in other ways, and generally the officer in charge is lent by the Government and paid from the local fund.* Special arrangements have been made for the education of lady doctors and subordinates, and for the training of Indian midwives in local hospitals. Extensive work has been done in this direction by the 'National Association for Supplying Medical Aid to the Women of India' founded by the Countess of Dufferin in 1885. It is supported by voluntary contributions and regular grants from Government. A sum of about 7 lakhs of rupees was collected by Lady Curzon in 1901-02 for the training of midwives. Lady Minto gave a great impetus to Nursing Homes, and Lady Hardinge took a keen interest in the development

* The Imperial Gazetteer of India, Vol. IV, pp. 461-63.

of Cottage Hospitals which the respectable classes, who would on no account go to hospitals, are beginning to favour much. Lady Hardinge also laid the foundation stone of a Ladies' Medical College at Delhi.

Among the most pressing problems of India's public health is the infant mortality. It has been calculated that every year some 2 million Indian babies die. Birth registration is still too casual to afford precise data, but it may be stated with confidence that one in six, or perhaps even one in five, of the infants born in India perish within the first year of life. In crowded industrial cities the rate is even higher, and it is believed that in certain localities the infantile death-rate varies from over 200 to 600 per 1,000. In England, the corresponding rate averages about 80 per 1,000. Of late, much attention has been directed to remedial measures. Lady Chelmsford initiated an All-India Maternity and Child Welfare League. Lady Reading took up the work, and the movement she initiated, known as the National Baby Week, has caught the imagination of large sections of the people all over India. Various benevolent institutions such as the Poona Seva Sadan Society, the Social Service Leagues, and the Servants of India Society, have thrown themselves with enthusiasm into the task of furthering the campaign. Further, Lady Reading initiated a

scheme for training Indian nurses and doctors in larger numbers, which, as time goes on, should do much to improve the situation.

Of immediate bearing upon the progress of sanitation in India is the advance of medical research. Towards the end of 1923, a conference of medical research workers was held in Calcutta, which a large number of medical officers attended. As a result of its deliberations, the Government of India appointed an expert commission to enquire into the origin and progress of Kala-azar. Government is also giving increasing help to medical research. During the year 1927-28 the Indian Research Fund Association received a total grant of Rs. 7,05,071 from the Government of India and financed sixty-six different enquiries in the field of medical research, including investigations into various aspects of malaria, plague, cholera, kala-azar, leprosy, tuberculosis, dysentery, skin diseases, dengue and diabetes. The Fourth Annual Conference of Medical Workers in India was held at Calcutta in December, 1926. Fifty-four delegates attended and each research worker gave a brief account of his investigations. The Seventh Congress of the Far Eastern Association of Tropical Medicine was held at Calcutta in December, 1927, under the patronage of His Excellency Lord Irwin. The subject discussed at the Conference ranged over the whole field of

tropical medicine. The scheme for establishing an Imperial Medical Research Institute at Delhi, which was postponed in 1923 in deference to the recommendations of the Indian Retrenchment Committee, has now been revived. The visit to India of Sir Ronald Ross in January, 1927, is to be commemorated by an experimental malarial station opened at Karnal under the auspices of the Indian Research Fund Association and named after him. It is also worthy of note that Lord Reading recently headed a movement for the formation of an Indian Council of the British Empire Leprosy Relief Association. It is now proposed to carry on an earnest campaign against the disease in India. The School of Tropical Medicine and Hygiene in Calcutta, which owes its inception to Sir Leonard Rogers, has continued its investigations into the principal tropical diseases encountered in India.

Veterinary Hospitals are increasing in number and importance all over the country. There are also touring veterinary assistants, whose duty it is to visit villages and treat animals. *Pinjrapoles* have been established by philanthropists in the interest of sick and infirm animals and active steps are being taken for protection and improvement of domestic cattle.

Lunatic asylums are administered under the Act of 1858 which provides for the admission and

release of insane persons and the control of the institutions by visitors. All lunatic asylums are under Government management. It has recently been decided to establish central asylums, under whole-time officers in Madras, Bombay, Bengal, the United Provinces, and the Punjab, and to reduce the number of smaller institutions.

Asylums for the accommodation and treatment of lepers are maintained in a number of places. The subject of leprosy in India was investigated by a commission in 1890-91. As a result of their report it was held desirable to take legal powers to deal with lepers wandering about and exhibiting their sores in order to move pity, and to prohibit lepers from following certain callings connected with food and other bodily requirements, and from using public tanks and wells. But the most noteworthy action of the Government in this direction is perhaps the constitution of the Indian Council of the British Empire Leprosy Relief Association, in the formation of which Lord Reading personally took the initiative and the leading part. It was proposed that the fullest possible information regarding the incidence of the disease in India should be collected. The Government of India accordingly addressed Local Governments regarding the collection and transmission of such particulars to the Director-General of the Indian Medical Service. Lord Reading also

issued an appeal to the public for funds, which met with an encouraging response. Nineteen and a quarter lakhs of rupees were subscribed by the end of the year 1926 in response to this appeal and the Indian Council of the British Empire Leprosy Relief Association, after careful consideration, has decided to use this endowment fund primarily for research purposes, and the provision for provincial workers of training courses in the diagnosis and modern methods of treating leprosy.

To deal with outbreaks of epidemic disease is an important part of the work of the Medical and Sanitary Departments. On the occurrence of a serious outbreak of cholera, small-pox, or epidemic fever, special officers are often sent to the locality to tend the sick, to supervise preventive measures and to investigate the cause and history of the epidemic.* Measures have been taken for combating the diseases known as bubonic plague, beri beri and kala-azar, and more recently—influenza and hook worm. Institutions have been established for medical and bacteriological research. The Indian Pasteur Institute, which exists at Kasauli and provides treatment of persons bitten by rabid animals is under private management, but is aided by Government. To enable persons who live at a distance from Kasauli

* Imperial Gazetteer, Vol. IV, p. 475.

to receive treatment in time, a second institution was opened at Coonoor, in the Madras Presidency, in 1907, a third was subsequently opened at Shillong, and the establishment of a fourth in Burma has also been sanctioned. The School of Tropical Medicine in Calcutta provides treatment of persons bitten by rabid animals. A system of registration of births and deaths has been established in all the advanced parts of the country. For protection against small-pox, vaccination has been rendered compulsory in certain parts of the country. Cholera, plague, diphtheria and tuberculosis inoculations are steadily gaining ground and popularity. Systematic progress has been made with the improvement of *Bustees*, *i.e.*, areas containing collections of huts, and the problem of taking steps to deal adequately with the congested areas in Calcutta has been finally solved by the Calcutta Improvement Act of 1911, on lines similar to those followed in Bombay thirteen years earlier. The Calcutta Improvement Trust came into being on the 2nd January, 1912.

CHAPTER VIII

CIVIC RIGHTS.

Rights of citizenship—The Indian Civil Service—Divisions of the Civil Service—Strength of the English and the Indian elements—Indians in particular high offices—The Medical Service—The Engineering Service—The Professions—Law, Medicine and Engineering—Honorary office—Rights of petitioning and public meeting—Limitations of the rights—The Press—Its freedom—Growth of the Press—Conditions of the enjoyment of civic rights.

Citizenship in a state denotes certain rights and privileges which are enjoyed by the individual citizens. Among them may be mentioned liberty of the person, liberty of movement and settlement within the state, liberty of migration and the right to the protection of the state, the inviolability of one's house, the right to acquire and dispose of property, both personal and real, freedom of belief and conscience, sanctity of private correspondence through the post, telegraph or telephone, freedom of expression of opinion, equal eligibility for office, equality before the law, freedom of public meeting, freedom of association, freedom of contract, freedom of trade and industry, freedom of marriage, the political franchise, education till a certain age, and the right to work and fair wages. These are all valuable rights and without

them the lot of the individual citizen would be miserable indeed. Some of these civic rights have been recognised by Government in India.*

The highest civil appointments are held mostly by members of what is called the Indian Civil Service. Until 1853 the first appointments to that service, called until recently the Covenanted Civil Service, were made by the Directors of the East India Company. In that year the right was withdrawn from the Directors and the appointments were thrown open to public competition. The competition is open to all natural-born subjects of the Crown, in which class, of course, are included Indians. Lord Macaulay was a member of the Commission which recommended the opening of the Service to competition, and he pleaded strenuously for replacing nomination by competition as well as for the right of Indian youths to offer themselves for competition. The Government of India Acts † mention the offices which are to be reserved to the Service. They include the office of the Secretaries to the Government of India in certain Departments, the District and Sessions Judges, Magistrates and Collectors of Districts in the Regulation Provinces,

* The Rights and Duties of the Indian Citizen, by V. S. Srinivasa Sastri, pp. 19-21.

† The offices are mentioned in the Third Schedule of the old Act. See P. Mukherji's Indian Constitution, p. 420.

Joint and Assistant Magistrates and Collectors, Members and Secretaries of the Board of Revenue, Commissioners of Revenue and Customs, and some others.

The entire Civil Service, that is the service holding civil appointments of every class, is now divided into three branches, namely, the Indian Civil Service, recruited both in England and India, and the Provincial and Subordinate services recruited in India mostly from among Indians. The Provincial services hold all the important executive, judicial and administrative offices next to those held by members of the Indian Civil Service. The minor posts are held by members of the Subordinate service.

In and shortly before the time of Lord Cornwallis the Company's Civil Servants, both Indian and European, were notoriously inefficient and corrupt, and his reorganisation of the public service entrusted all offices of importance to Europeans. The spread of education and the example and control of some distinguished British officials, have worked a change in the country's civil service. With increasing efficiency Indians have been given an increasing share in the task of government and they now fill a large number of the executive, magisterial and judicial posts.*

* Imperial Gazetteer of India, Vol. IV, p. 42.

Three Indian gentlemen usually sit as members of the Council of the Secretary of State, and Indians have held the important posts of High Commissioner for India in Great Britain and Agent to the Government of India in South Africa.

Three Indian Members now sit on the Viceroy's Executive Council, and Indians as Executive Councillors and as Ministers form the greater part of the Provincial Executive in the major Provinces. Many Indian gentlemen hold offices of Advocate-General and Standing Counsel, and of Vice-Chancellors of Universities. There are many Indian Judges on the Benches of the different High Courts in India. The most notable achievement in this direction was the appointment of the late Lord Sinha of Raipur as the first Indian Governor of a province in British India and the first Indian Under-Secretary of State for India.

The officers of the Medical and Sanitary Departments in British India are drawn from several sources, the Indian Medical Service, Civil and Military Assistant Surgeons and Civil and Military Hospital Assistants. The Indian Medical Service is open to Indians. It is primarily a military service and its members are commissioned officers of the army. Its duties are chiefly confined to the Indian army. In the course of

the Great European War several commissions were granted to Indians without their having to go through the routine Indian Medical Service training. The Military Assistant Surgeons are mostly Europeans or Eurasians. Civil Assistant Surgeons and Hospital Assistants of both classes are usually Indians.

There is nothing in the laws of the country to exclude Indians from any branch of the Engineering Service. The highest offices, however, have been filled by men brought from England. The Chief, Superintending, Executive and Assistant Engineers form the Superior staff of the Department, for buildings and roads, irrigation and railways. Men trained in Indian colleges have held some of the offices on this establishment including Superintending and Executive Engineerships in the Engineering Department. The next class consists of Provincial Engineers, all trained in India and recruited from the Indian Engineering colleges. Its members may rise to the positions ordinarily held by the higher service. Subordinate Engineers and Supervisors are recruited entirely in India from the local Engineering colleges.

The legal profession consists of several branches, namely, the members of the English bar, the Vakils of the High Courts, Solicitors, the Pleaders of the lower courts, and Muktears. The English

bar has always been open to Indians and from early times provision has been made for the training of members of the other branches of the legal profession. Steps have been taken recently for admitting Vakils as Advocates in the different High Courts of India.

The medical profession is open not only to duly trained and passed and certificated medical men, but to various classes of practitioners of indigenous systems of medicine. Medical work in India might be done by men who had received no license for the purpose. In 1912 an important step was taken as regards the licensing of medical practitioners by the passage of the Bombay Medical Act which "provides for the constitution of a Medical Council and the registration of qualified practitioners, without however placing any direct restriction on the practice of *Vaids* and *Hakims*." A similar measure has recently been passed in Bengal. An Act for the establishment of a general Medical Council was passsed by the Indian legislature in 1933, and steps are being taken for the prevention of the use by unqualified persons of titles implying qualifications in Western Medical Science.

There are some offices which, though they may not bring any income, serve to confer on the holders a certain status or respectability. Such are honorary magistracies, membership of

self-governing bodies, membership of legislative councils and fellowship of universities. All these are equally open to all citizens, though of course some qualifications are always expected and attempts are made to secure representation of important minorities.

The right to address petitions to official authorities for the redress of grievances or the acquisition of rights and the right to meet in public for the same purpose, or, generally, for the consideration of matters of public importance are valued rights. The English people had to struggle hard to obtain them in their own country. In India the rights have not been so much conferred or acquired as assumed to exist, both by the Government and the people. In the absence of anything to the contrary they are presumed to exist. Certain conditions are specified under which the rights may be restrained or altogether withheld. The inference may be fairly drawn that in all other circumstances the rights may be freely exercised. For instance, a meeting may be prohibited which is called for an unlawful purpose, or which is disorderly, or is likely to lead to a breach of the peace. Under certain circumstances police and magisterial intervention is permissible as to the time and place of public meetings and processions. A petition may not be entertained which is not couched in proper language, or which does not come through the

proper channel, or is not addressed to the proper authority. Such conditions are no diminution of the right itself, namely, the right to express opinions on public topics in a public meeting, and to state wants in a petition and pray for their removal.

No newspaper, as such, seems to have existed in India before the days of British rule. British rule in fact was far advanced before the newspaper came into existence. This means that in the pre-British era there was scarcely any organised opinion, and hardly any effective organ for the discussion of public affairs or for criticism of the measures of Government. British rule and the example of Western public life furnished the inspiration for a newspaper press. The journalist is an outcome of that very rule which he criticises. That the people have a right to sit in judgment over their rulers and to give public expression to their judgment is an idea that in its present shape has been borrowed from the English. And the first example was set by Englishmen. The first newspaper ever printed in an Indian Vernacular was issued in Bengali by the Christian Missionaries at Serampore, on the 31st May, 1818.* The Governor-General

* The Life and Times of Carey, Marshman and Ward, Vol. II (1859), p. 163; quoted in P. N. Bose's Hindu Civilization, Vol. III, p. 49.

of the time, Lord Moira (Marquis of Hastings), encouraged it by allowing it to be circulated at one-fourth the ordinary rate of postage. He showed the same liberal spirit towards the English press and removed the censorship which Lord Wellesley had imposed on it. He laid, however, severe restrictions on the editors regarding the subjects or personages they were allowed to touch, any infraction of which was to be visited by an indictment in the Supreme Court or by the penalty of deportation. But the Supreme Court on the occasion of the first application, in the case of the *Calcutta Journal*, refused "to grant a criminal information," and the Governor-General was unwilling to incur the odium of deporting an editor for criticism of his administration. The restriction therefore virtually became a dead letter and the press became practically free.* Entire liberty to the press, however, was not granted until 1835 when the power of deporting offending journalists was taken away from the Government of India by Sir Charles Metcalfe, Governor-General, in consequence mainly of Lord Macaulay's strenuous pleading for abolition of restrictions. During Lord Lytton's rule, by an Act of 1878, the

* Mill and Wilson's History of British India, Vol. VIII, p. 415; quoted in P. N. Bose's Hindu Civilization, Vol. III, p. 50.

Vernacular Press was made liable, under certain circumstances, to be dealt with by the executive, and a newspaper might have its press and plant confiscated under the orders of the local Government if it was found to be seditious in tone. This Act was repealed by Lord Ripon. A new Press Act was passed by Lord Minto's Government; it was repealed in 1922 but some of its provisions were revived by Acts passed in the years 1931-34.

The press is now a large and powerful institution in India. And the press enjoys a certain amount of freedom. By freedom of the press it is not meant that one is at liberty to print and publish, through the press, any allegation or opinion that he may choose to make or express. Liberty of the press like every other form of liberty is and must be subject to some limitation if any regard is to be paid to justice and social order. Even the most advanced, that is the most liberal of modern, philosophers have not made a larger claim for individual liberty than this—that every person may do all that he pleases, provided he does not encroach upon a right or liberty of another; in other words, every person's liberty should be limited by a regard for the liberty of others. Liberty to write must be limited, for instance, by a regard for the liberty of others to enjoy their reputation, or preserve

their character. A man cannot claim freedom to defame another. Nor can he claim freedom to give an incitement to murder, for if he must have liberty to write, others have at least an equal right to live. So likewise, in the interest of social order, no man is permittsd to excite ill-feeling or revolt against the Government. If such limitations on liberty did not exist, there would be no social well-being, possibly society itself would not exist. If A claims the right to incite murder of B, B might claim the same right against A, for all citizens should have equal rights, and the result would be anarchy and chaos. When, therefore, it is stated that the press in India enjoys freedom it is only meant that it is normally subject to no unfair restrictions. The freedom is not unbounded. Limitations are to be found in the Indian Penal Code and some special Acts.

With regard to civic rights a general principle has to be borne in mind. A right is granted, sometimes unasked, when the people are found worthy of it. It is liable to be curtailed or withdrawn altogether if the people abuse that right and show themselves unworthy of it. That has been and will be the history of civic rights not only in this country but in every other, even in England where freedom flourishes most. A right is conferred on people to be held by them not

eternally and unconditionally but only so long as legitimate use is made of it. When public meetings are habitually riotous, the right of public meeting is restricted here as anywhere else. The same is true of other rights. New offences evoke new laws, and an abuse of rights leads to a restriction of them. Rights are not meant for the benefit of individuals or classes if they conflict with the interests of other individuals or classes. They are meant for the general good of the state. They will not be tolerated if they are used in a way that imperils the general well-being.

CHAPTER IX

General Character and Results of the Administration.

Peace—Security of life and property—Value of order—Repression of *Thagi* and Dacoity—A high standard of administration—Extraordinary variety of the work of the Government—Effect on the people—Stimulus to life and thought—Awakening of a national life.

It will have been seen from the preceding chapters how varied and comprehensive the work of the British Government has been. The most manifest and probably the greatest advantage which English rule has brought to India is peace. The peoples of India helped the English in the establishment of their sovereignty, and they were all moved by a desire to secure that advantage. They felt the want of a strong, just and stable Government which should be able to give them peace. British rule was established with the aid of some of the peoples themselves, and there never was a sign of insurrection when the country was governed by a handful of Englishmen, with an insignificant army, and when communication with England was extremely slow and difficult. Evidently the people were content and thankful that they

had at last got a Government which with their aid was strong enough to protect them and which was able to give them peace, that is security of person and property. When peace has prevailed for a long time and has become customary, men may think as little of it and of the conditions which make it possible, as they do of the forces which keep up the magnificent economy of nature. But in the one case as in the other, order is the result of definite causes. A man goes out on business or on a pleasure trip, leaving his family and some of his property at home. He comes back home after some hours, or it may be after some days or months, and he finds everything all right at home; no person has been injured, no property removed, the house not invaded. A man or a woman goes from one place to another, either on foot or in a conveyance, carrying money and wearing costly articles. The journey is safely performed; and person and property are touched by no intruder. People in the humblest and most insecure dwellings go to bed every night with the assurance that everything about them will be safe. In all these cases what is it that accounts for the safety of person and property and for the sense of security which people enjoy? It is the strength and the justice of the Government. Laws and

administrative arrangements exist under which any person that commits an offence will be seized, tried and punished. Therefore, all except violent and desperate characters are deterred from making criminal attempts. If the laws were inadequate, the administrative machinery inefficient, the courts perverse or incompetent, or if in the community the criminal population was predominant, peace and order could not be maintained.

Some idea has already been given of the spirit in which laws have been passed, and an account will hereafter be given of the machinery provided for their administration. A condition of social order is indispensable to progress of any kind. If the members of a community live in perpetual fear of assaults on their persons, or invasions of their property, they become incapable of any intellectual exertion or any energetic work. The mind is unnerved, industry paralysed, the very motives for exertion are taken away. The community can therefore make no progress, intellectual, moral, religious, economic or political. Before a man can think, or act, or develop his capacities, he must be in peace of mind. The same is true of peoples; order is the first condition of progress; disorder is fatal to progress of every form and kind.

Some forms of crime are common to all countries. In this country there were two special crimes of a very serious order, namely, *thagi* and dacoity. Thugs (*thags*) were organised gangs of men and women, who, either individually or in groups, strangled persons to death or otherwise killed them and removed any property found on their persons. The victims were generally solitary travellers. The usual device of a thug was first to win the confidence of the intended victim by conversation of a pleasant and sympathetic character, and then to surprise him or her by putting a handkerchief or napkin round the neck and tightening it till life became extinct. This species of crime has been practically extinguished. The honour of suppressing *thagi* must be shared between Lord William Bentinck and Captain Sleeman. *Thags* were hereditary assassins, who made strangling their profession. By the evidence of approvers, these abominable brotherhoods were gradually stamped out. Dacoity is not yet extinguished but it has greatly declined. At one time it was called by some the normal crime of Bengal. Dacoits are men who in batches commit robbery, or theft with violence. In the course of a dacoity, murders may be committed. A special department of Government existed for dealing with *Thagi* and Dacoity, and there was at one time an officer specially appointed

called Commissioner in Dacoity, who was concerned exclusively with the repression of that crime.

Not only have violent and dangerous crimes been repressed—not by extinction, for no law can extinguish crimes,—but by measures for their detection and punishment, and not only have order and peace been established throughout the country, but an administration has been set up which is distinguished by a high standard of honesty and efficiency. The details of the administration will be given in the succeeding chapters. It is necessary here to observe that the morale of the administration and the energy and ability with which it is conducted constitute one of the distinguishing features of British rule. The result has been not only much useful and beneficent work and general progress of the country, but an elevation of the ideals of the people. Men have been trained to notions of system and punctuality, and have acquired habits of subordination and organised work. It has been seen already how much the Civil Service of the country has improved not only in consequence of the education its members have received but also by force of the example set by certain distinguished administrators. It may be added that the entire body of the people has been so accustomed to the high standard of administration set up before their eyes that it will tolerate no other. The people have come to accept

English methods of administration as their own. They seek to apply those methods to their own concerns. They demand improvements in accordance with English methods and models. The English administration, therefore, has been to the people a great educating agency.

Government has had to do much for the people, from teaching them the means of earning a livelihood to giving them a sense of political rights and public duty. It has had to provide schools for agriculture and industries ; to establish banks for saving cultivators from usurers ; to pass laws for saving them from grinding money-lenders and oppressive landlords ; to protect forests above the soil and work mines underneath it ; to teach the people laws of public hygiene and to attract them to medical education and sanitary measures like vaccination or the provision of a pure water-supply ; to establish colleges for teaching the people not only western arts and sciences but their own ancient literature, philosophy and religion ; to construct roads, bridges and irrigation works, at the same time to abolish slavery and infanticide; to survey the country in all its aspects and make maps ; to give political education to the people by institutions like trial by jury and local self-government ; to establish factories ; to carry on scientific research ; to preserve ancient monuments, and

to protect cattle and plants from diseases and insects.

This many-sided activity of the Government had its effect on the people. Some have received education, general, professional, or technical, given in schools and colleges. Some have their practical capacities developed by the discharge of public duties. A good many more have been stimulated by the example of some distinguished British administrators and the principles of British administration. All have opened to them a world of new ideas. Ideas of comfort have risen and standards of living improved. The sense of legal and political right has been created. The humblest peasant, the poorest coolie or servant, has learn to feel that he too has rights and he can insist on them when he chooses. He can resent oppression and avail himself of legal remedies when his personal liberty is encroached upon or his rights under a contract withheld. A sense of individuality has been developed. With it has come a spirit of questioning and criticism in every department of life and thought.

From a social point of view it is sometimes observed that the new spirit is not altogether healthy or practically desirable. It is not necessary to express an opinion on that point. But it is unquestionable that as a matter of fact the horizon of the people's thought and the spheres of their

activity have been considerably enlarged under British rule. The literature, the philosophy, the science of the west, have stimulated the mind and roused intellectual energy and aspiration in many directions. The services and the professions, the ever-increasing trades and industries of various kinds and degrees, have been opening out fresh fields of remunerative work. And public life, largely the creation of British rule, is expanding every day offering new opportunities of work and distinction, in Councils and on Boards, in Senates and on Cabinets, in the press and on the platform. Moral and social ideals of a new order, the result of contact with western life and thought, have shaped themselves before many minds which are fired with the ambition of purifying and regenerating social life.

The crowning result of a century and a half of British rule seems to be the awakening of aspiration for a national life. That is a result on which rulers and the people may alike congratulate themselves. For centuries the people of India have been composed of different races professing different religions, speaking different languages, and possessed of different traditions. The diversity has not disappeared. But common systems of education,—mostly conducted through the medium of the English language—common laws and common methods of administration throughout British

India, have developed to a large extent common ideas, sympathies and aspirations. Those that have received English education, and those that have otherwise come under the influence of English ideas or have felt the influence of English institutions, now constitute, in spite of social difference, a homogeneous body, at any rate on a political platform. When they meet on such a platform they cannot but feel a thrill of national life. English education, in the widest sense of the word education, has unified them. They feel also that by the strength of that education they will be able to uplift the sunken masses, so that ultimately the nation may be one, the social differences not being strong enough to break the political union. Whether a Nationality properly so called can be built up by political sympathies and a community of political interests, without a unification of race and religion, is a question on which opinions may differ. It is certain, however, that if the educating influences of British rule continue, the sense of unity that has arisen will go on developing. With the progressive development of self-governing institutions the political capacity of the people will develop; and if mutual confidence between the rulers and the people goes on increasing, there is no reason why the people should not in course of time be as largely employed in military work as they have

been in civil. Some of the King's Commissions in the Indian Army have been thrown open to the people already. The Bengal Ambulance Corps, the Bengali Regiment, the different University Corps, the recent formation of an Indian Territorial Force as a second line to the regular Indian army, the establishment of a military academy at Dehra Dun for the training of candidates for all branches of the Indian army and the holding of open competitive examinations for the entry of Indians tothe commissioned ranks of the Royal Indian Marine service are promising signs that have come in the wake of the recent European War. England and India, working hand in hand, can make this country one of the powers of the world, in arts and in arms. The social problems of Indian life, as regards the growth of a homogeneous people, are not to be solved by a foreign Government. The people are free to pursue their own ways. But if in the political sphere, the people, westernised in their aspirations, yearn for a national life, then, when the quickening comes, England should feel her mission fulfilled and India her destiny achieved.

PART II

ADMINISTRATION OF INDIA

CHAPTER I

INTRODUCTORY.

Administration—Meaning of—Conditions of—Ends of—Divisions of—Civil—Military—Ecclesiastical—Subdivisions of the Civil—Legislative—Judicial—Executive—Fiscal—Ministerial.

The administration of a country means the arrangements that exist in the country for maintaining order and securing progress and development. No country can be said to have an administration or government which does not possess a supreme political authority capable of enforcing its orders and upholding its arrangements. The supreme political authority may be an individual or a group or groups of persons. It may make its arrangements either direct or through subordinate authorities to which it may delegate some of its functions. The country must recognise the authority, accept its arrangements and submit to its orders. A competent political authority on the one hand and obedience or submission to it on the other, are the conditions of government. The word constitution is sometimes used in a limited sense to mean the nature and extent of the powers of the governing authority, and, where the governing authority

consists of several parts, of the relation of the different parts to each other.

The administrative system of a country does not grow up in a single day and can hardly ever be said to attain absolute fixity. It has continually to be adapted to the changing needs of the country and to the character, the capacity and the life of the people. It grows in complexity as the people expand and their concerns multiply. It is therefore best studied in its historical aspect. In this little treatise, however, a brief sketch will be given of the existing administration and historical references will be brought in only when they are specially interesting or when they serve to throw light on the present system. The maintenance of order is the end of every administrative system. But it is not by the mere maintenance of order that a system can be judged. Order may be maintained as well under an arbitrary and grinding despotism as under a generous and responsible government. In judging of the merits of a system, therefore, attention has to be paid to the character of the order which is maintained, and the conditions under which it is maintained. It has to be seen how far the political machinery is fitted to meet the demands of peace and security, individual and social liberty, justice between man and man, economic prosperity, the development of the

country and the happiness of the people. In the earlier part of the book the policy and the measures of the Government towards the attainment of these ends have been dwelt upon. In the present a short account will be given of the mechanism of the administration which has been, or is being, slowly built up to give effect to that policy and those measures.

The Administration of India, as indeed of every other country, may be broadly divided under two heads, namely, Civil and Military. In countries where there is an established church, there would be another division, namely, the Ecclesiastical. The civil branch of the administration may be subdivided under three main heads, the Legislative, the Judicial and the Executive. It is the function of the Legislative branch of the administration to make and promulgate Laws; that of the Judicial to interpret and apply the Laws to the cases that come before the courts, and so to administer justice; that of the Executive to do all acts necessary for the Government and for the maintenance of order. Administration of the Revenue system may be classed either under the head Executive, or separately as Fiscal. Another branch, which cannot be brought under the three main heads, is very important in this country. It may be called the Ministerial. It includes the work of the Departments and of

Secretariats. Executive work is largely done through these agencies, but they have also functions of their own in the way of conducting such special work, as education, sanitation, registration and the like.

CHAPTER II

THE MILITARY ADMINISTRATION.

The Indian Army—Growth of—Bengal, Bombay, Madras Armies—Contingents—Punjab Frontier Force—Changes in the military organisation after Transfer of the Government to the Crown—Increase in strength in 1885—Military authorities—Territorial Commands—Administrative changes in 1906—The Army Department and the Department of Military Supply—The latter abolished—The Active Reserve—The Auxiliary Forces—Army of the Indian States—Officers of the Indian Army—Position of Indians affected by the Mutiny—Recent changes—Defensive works—Forts and Harbours—The Royal Indian Navy.

The Indian Army has been an institution of slow growth. Its strength and constitution have varied according to the demands of exigencies. The East India Company's '1st European Regiment' was formed at Bombay under a Charter of 1669. It consisted of such of the King's officers and soldiers as were then on the island and volunteered their services. The establishment of the Company's Indian army may be said to date from the year 1748, when a small body of sepoys was raised at Madras, after the example set by the French, for the defence of that settlement during the course of the war which had broken out between France and

England in 1744.* At the same time a small European force was raised. Major Stringer Lawrence who was appointed to command these forces has been called 'the father of the Indian Army.' An Act of Parliament of 1781 authorised the Company to enlist soldiers, and an Act of 1799 gave the Company further powers for raising European troops and maintaining discipline among them.† In course of time there grew up three distinct armies in the three presidencies of Bengal, Bombay and Madras. In addition to these there were several contingents, as they were called, maintained for the protection of Indian States and at their expense. The Bengal army did not include any inhabitant of Bengal proper, and only a small part of it was ever stationed in Bengal. In 1856, the year before the Mutiny, it was more numerous than the other two armies together. It was mainly recruited from the Brahmans, Rajputs and Mahomedans of Oudh and to some extent from the Gangetic Doab. A part of the Bombay army was obtained from the same sources. The Madras army was recruited from the Madras presidency. The Punjab Frontier Force consisted of irregular cavalry and infantry locally raised. The greater part of the

* Chesney, Indian Polity, 3rd edition, p. 205.
† Ilbert, Government of India, pp. 63 and 74.

artillery in India was manned by Indian soldiers. In the year 1856 the Company's forces in India consisted of approximately 39,000 Europeans and 215,000 Indians besides the contingents already referred to.

In 1857 nearly the whole of the Bengal army revolted. The Punjab Frontier Force not only remained faithful but rendered magnificent service in the suppression of the Mutiny. The Hyderabad contingent, and the Madras and Bombay armies with few exceptions, remained steadfast. When the Government was transferred to the Crown the whole military organisation was changed. The Bengal army had already ceased to exist. The local European army was abolished and the place of the European infantry was supplied by British regiments of the line. The artillery became almost wholly British. The total strength of European troops was increased to 62,000, and that of the Indian troops was reduced to 135,000.

Three distinct armies were still maintained under the old names. As time has gone on steps have been taken to improve military efficiency. The system of class regiments has been extended to the infantry of the Bengal army and each battalion of this force is now composed of men of one race,—Brahmans, Jats, or Rajputs as the case may be. In consequence of an apprehension of a Russian invasion the entire military position

was reconsidered in 1885, and a considerable addition was made to the strength of the European as well as the Indian army. In 1900 the total strength was nearly 223,000 officers and men of all arms, of whom rather more than 76,000 were British.* The Punjab supplies 54 per cent. of the total combatant troops in the Indian army and 19,000 Gurkhas are recruited from Nepal.

Supreme authority over the army in India is vested by law in the Governor-General in Council subject to the control of the Crown exercised by the Secretary of State. Subject to the administrative control of the Governor-General in Council, the chief executive officer of the army is the Commander-in-Chief of His Majesty's Forces in India. The armies of Madras and Bombay had formerly a local Commander-in-Chief. By an English statute of 1893 the offices of the Provincial Commanders-in-Chief were abolished, and the powers of military control vested in the Governments of Madras and Bombay were transferred to the Government of India. The administrative arrangements under this act came into force on the 1st April, 1895.†

* Strachey, India, pp. 440-45.

† Strachey, India, pp. 446-48.

" After the abolition of the Presidency Army System in 1895, the army of India was divided into 4 large commands designated in accordance with their local distribution, the Punjab, Bengal, Bombay and Madras Commands; the Burma District, separated from the Madras Command in 1903-04, became practically a fifth command. These commands were subdivided into Military districts."

" The scheme of reorganisation and redistribution inaugurated by Lord Kitchener in 1904 involved the abandonment of a number of small military stations and the concentration of the bulk of the troops in large cantonments. They were distributed in three Army Corps Commands, Northern, Western and Eastern, containing eight divisional commands. Two divisions, *viz.*, Secunderabad representing the old Madras Command, and Burma, were not included in any of the commands and were directly under the Commander-in-Chief.

Further changes were made in 1907. From this date the Northern, Western, Eastern Commands ceased to exist and the Army in India was divided into two portions, a Northern and a Southern Army, each under the command of a general officer."*

***Vide the Fifth Decennial Report on Moral and Material Progress of India, p. 330.**

A great change in the administration took place in 1906. The supreme authority was still vested in the Governor-General in Council, subject to the control of the Crown, exercised by the Secretary of State for India, but in place of the old Military Department there were established (1) the Army Department and (2) the Department of Military Supply. The former, in charge of the Commander-in-Chief, dealt with all affairs concerning the army except those specially allotted to the other Department, and also disposed of business connected with cantonments and the volunteers. The latter, which was in charge of an Ordinary Member of Council, dealt with matters connected with important army contracts, and the supply and registration of transport animals ; and also controlled the working of the departments of Ordnance, Remounts, Military Works, Army Clothing, and the Royal Indian Marine, as well as the military work of the Indian Medical Service.*

"In April, 1909 the Department of Military Supply was abolished, and the process of transferring to the direct control of Army Headquarters the auxiliary services of the army, such as ordnance, transport, remounts, etc., was completed. The work of the Military Supply Departmant was

* Imperial Gazetteer, Vol. IV, p. 360.

taken over by the Army Department, and the direction of the whole military administration, subject to the supreme control of the Government of India, passed to the Commander-in-Chief as member of the Governor-General's Council in charge of the Army Department."*

The strength of the army of India is exclusive of the active reserve, consisting of men who have served with the colours in the Indian army from five to twelve years, and the Indian Territorial Force. In addition to these may be mentioned as auxiliary forces, the militia levies, the military police, and the Imperial Service troops which are under the control of the Indian States furnishing them and are commanded by Indian officers, subject to the supervision of British inspecting officers. Besides these last, the Indian States maintain local military forces. The Sikh and Rajputana States have the best material. Next to them in regard to quality of troops are Gwalior, Hyderabad and Kashmir.†

The British officers of the Indian Army were formerly called the Indian Staff Corps. A staff corps for each of the three armies of Bengal, Madras and Bombay was established in 1861, when the Indian Army was reorganised. In

* *Vide* the Fifth Decennial Report on Moral and Material Progress of India.

† *Ibid*, pp. 372, 375.

1891 the three staff corps were amalgamated into a single body. In 1893 the name 'Indian Staff Corps' was changed into Officers of the Indian Army. Their number in that year was about 2,700. They are employed not only in the Indian army and in military appointments on the staff but also in a large number of civil posts. They hold the majority of appointments in the Political Department, and many administrative and judicial offices in non-regulation provinces.*

The Mutiny greatly affected the position of Indians in the army. Not only was the number of Indian soldiers reduced, but high-caste men were seldom enlisted, and the prospects of Indian officers were extremely limited. General Sir George Chesney writes: "In one important respect the [Indian Army] organisation remains unchanged and defective. While the judicial service has long been mainly filled by natives, who are represented also on the bench of the highest courts, and while under the most recent changes every branch of the services, judicial and executive, has now been thrown open to them, the army, save with a very few exceptional cases, continues to be what it has always been—an army of peasants, or a class little removed above them; an army of native

* Strachey, India, p. 443.

soldiers commanded by English officers. * * * In the cavalry the position of the native officer has even gone back, for whereas formerly he could rise to the command of a squadron, the squadrons are now commanded by British officers, the most junior of whom takes precedence over the oldest native officer. So far then as the army is concerned, the Queen's Proclamation on assuming the direct government of India is a dead letter. * * * * To a very large number of a most important class of Indian gentlemen, descended in many cases from ancestors who held high military office under former rulers, the only palatable, and indeed the only form of public service practicable and possible for them is the military, and that is closed to them. While this is the case it cannot be said that the promise held out in the proclamation is fully acted upon." * •

This policy has now been partially changed. There has been a considerable change in 'the angle of vision,' brought on by the European War. Some of the King's Commissions in the army have, as a matter of fact, been thrown open to Indians. The Bengal Ambulance Corps, the Bengali Regiment, the different University Corps and specially the newly constituted Indian Territorial Force have opened out the way for

* Indian Polity, Third Edition, p. 268.

further progress. The University Training Corps have now attained a large measure of popularity. There are at present six battalions whose headquarters are located at Bombay, Calcutta, Allahabad, Lahore, Madras and Rangoon, and two separate Companies have been constituted at Patna and Delhi. The Territorial Force is meant to be a second line to, and a source of reinforcement for, the regular army, and its membership carries with it a liability for more than purely local service. The Indian Territorial Force thus differs in scope from the Auxiliary Force, which is so far confined to European British subjects. This body can only be called out for service locally, being intended primarily for those who can undertake military training only in their spare time and are unable to afford the more lengthy periodical training which constitutes the obligation of the Indian Territorial Force.

Indian political opinion has long seen in the position of the military force evidence of racial discrimination and in 1924 the Indian Legislative Assembly discussed a motion recommending the amalgamation of the Auxiliary Force which is confined to European British subjects with the Indian Territorial Force. In deference to the feelings expressed on this point, the Government of India appointed a Committee to enquire into and report on the steps to be taken to improve

and expand the Territorial Force so as to constitute it as an efficient second line to the regular army and to remove all racial distinction in the constitution of the non-regular military forces in India including the Auxiliary Force. The Committee, which was presided over by Sir John Shea, took evidence in November, 1924, and the report embodying its recommendations was published in February, 1925. The Committee regarded the functions of the University Training Corps as primarily educational and those of the Territorial Force as the means of imparting military and patriotic ideals in order to lay the foundations upon which the national army could be built up. It, however, considered that the growth of a national military spirit should not be forced by any application of compulsion ; that the University Training Corps should not have any liability for military service ; that the members of the Corps should be drawn from the staff and students of Universities and Colleges as at present ; and that the cadre must be allowed to expand up to its natural limits without arbitrary limitation by the military authorities. In its report the Committee suggested that units should be organised in every respect on the same lines as those of the regular Indian army, while the Auxiliary Force should be organised as regular British units. Both the Territorial and Auxiliary

Forces should, it was recommended, be liable for general service including service in aid of the civil power, liability for service beyond the limits of India being enforceable only in case of emergency and under the special order of the Governor-General in Council. The Committee was further of opinion that in future the Territorial Force should consist of two classes, one recruited from the rural areas as at present ; and the other drawn from the urban areas, in such fashion that the educated classes should enjoy suitable opportunities for military training of the kind practised in the Auxiliary Force. In course of time, the Committee hoped, recruitment to urban battalions would be limited to those who have had previous military training in the University Corps. The Territorial Force, the Committee agreed, should not be extended beyond the limits of a second line force in strength, and no extension of the Auxiliary Force was considered necessary at present. The Committee also made a number of subsidiary recommendations of a technical and administrative kind. All these recommendations were considered by the Government of India in consultation with the provincial Governments and the considered recommendations of the Government of India have been approved by His Majesty's Government.*

* India in 1926-27, by J. Coatman, pp. 267-69.

King's Commissions were at first obtained by Indian gentlemen qualifying themselves as cadets in the Royal Military College, Sandhurst and the Royal Military Academy, Woolwich. Vacancies have been provided annually for Indian cadets ; and in order to secure a suitable supply to recruits for these vacancies, there has been established in India the Prince of Wales' Royal Indian Military College at Dehra Dun. Indian political opinion, however, is far from being satisfied with the scope of the college, and demands are increasingly heard from the Indian members of the Central Legislature for the establishment in India of some institution corresponding more nearly to the Royal Military College, Sandhurst. In response to the feeling on the subject, the Government of India appointed in 1925 a Committee presided over by Sir Andrew Skeen to investigate the whole question of the establishment of an Indian Sandhurst. After the Committee had held a number of sittings in India a sub-committee of its members went to Europe to investigate the systems of education by which military officers are produced in England, Canada, the United States of America, and France. The Committee finished its work in November, 1926, and its report was published in April, 1927. The Defence Sub-Committee of the First Session of the Round Table Conference which

met in London in 1930, recommended the appointment of an expert Committee to examine the possibility of setting up a Military College in India. The Indian Military College Committee was promptly constituted and, following its investigations, the Indian Military Academy, Dehra Dun, was opened in 1932.

The Government of India recently made provision for the eventual complete Indianisation of eight units of the Indian army. To these units, which include two from Cavalry, five from Infantry, and one Pioneer battalion, Indian officers holding King's Commissions in the Indian army will be gradually transferred and posted, to fill up the appointments for which they are qualified by their rank and their length of service. And these units, it is expected, will form the nucleus from which the army can be nationalised. Recently it has been decided to extend the scope of Indianization to the equivalent of a division of all arms.

Apart from the organisation of the army, measures have been taken to add to the military strength of the country by the construction of defensive works. All points on the North-Western Frontier at which attack seems possible are guarded by strongly fortified positions and connected with the railway system of India. The principal ports have been fortified and armed with

modern guns, and the defence of the harbours is secured by a flotilla of turret-ships, torpedo gun-boats and torpedo boats.* Wireless telegraphic installations have been established at Bombay, Simla, Delhi, Allahabad, Calcutta and other important centres. An Indian Air Force was formally constituted in 1932.

In a critical period of Indian history when the nascent British power was fighting for its existence in the eighteenth century, the British Navy successfully held command of the seas against the French. The ships of the East India Company, soon after that body came into existence, became vessels of war as well as of trade. The armed naval force of the Company was created by the charters of Charles II and James II, but it was not till 1829 that the Bombay fleet was united with that of Calcutta and became the Indian Navy which has often done good service. The Indian Navy was abolished in 1862, for reasons of economy, and because it was thought that the naval defence of India should be entrusted to the Royal Navy. The Bombay Marine was then created, and was eventually amalgamated with the Bengal Marine in 1877 under the title of 'Her Majesty's Indian Marine,' changed in 1892 to 'Royal Indian Marine.' Its duties were to be

* Strachey, India, p. 446.

the local transport of troops and stores. In 1891 the turret-ships, torpedo vessels, and gun-boats belonging to the Indian Marine were transferred to the Admiralty. Under existing arrangements, which date from 1896-97, India pays a subsidy of £100,000 annually for the upkeep of certain ships of the East India squadron, which are not to be employed beyond particular limits except with the consent of the Government of India.*

There are at present many indications that the importance of the problem of India's naval defence is appreciated by Indian national opinion. The national aspirations, as voiced in the Indian Legislative Assembly, are tending steadily towards the formulation of a policy which will secure for India a future upon the Seas. Demands have been made for providing facilities for naval training in India, particularly for the establishment of a Nautical College; for the admission of Indians to superior ranks of the Royal Indian Marine; for the encouragement of India's national commerce; and for training ships. As a result of a resolution moved in the Legislative Assembly in 1922, a Committee was appointed in 1923, under the Chairmanship of Captain E. J. Headlam, Director, Royal Indian Marine, to examine the whole question of the inauguration and

* Imperial Gazetteer, Vol. IV, pp. 382-83.

maintenance of an Indian Mercantile Marine. The evidence given before the Mercantile Marine Committee plainly shows that Indian political opinion favours the development, hand in hand with an Indian Mercantile Marine, of a Royal Indian Navy, in which the present Royal Indian Marine Service would ultimately be incorporated. The Committee definitely recognised that the Royal Indian Marine should be reorganised into an Indian Navy for the defence of India's coast, harbours, and shipping: and that a training ship on the lines of the *Worcester* or the *Conway* should be established at Bombay to train young Indians to become Sea-officers. These and other recommendations of the Mercantile Marine Committee were so long under the consideration of the Government and Lord Reading, just before the termination of his term of viceroyalty, announced the decision of the Government of India to create and maintain an Indian Navy. The British Parliament has given legislative sanction to the scheme of the Government of India by passing the Indian Navy Bill into law, and considerable progress has now been made towards the inauguration of the Royal Indian Navy.

CHAPTER III

THE HIGHER EXECUTIVE AND THE LEGISLATURE.

The Secretary of State—His advisers—The India Office—The High Commissioner of India—The Governor-General—His Council—The Executive work of the Government of India—Divisions of—The Indian Legislature—The Council of State—The Assembly—Their constitution, power and privileges—Constitutional changes at the centre under the Act of 1935—The Provinces of India—Provincial Governments—Constitutional changes of 1919—The Provincial Executive—The Governor—The Governor's Council—The Ministers—Chief Commissionerships—Provincial Secretariats—Provincial Legislatures—The Bengal Legislature—The Act of 1935—The powers and functions of Provincial Legislatures.

By the "Act for the better Government of India" passed in 1858, the Government of India was transferred from the East India Company to the Crown, and it was provided that all the powers of the Company and of the Board of Control should be exercised by a Secretary of State, in concert, in certain cases, with a Council. The Secretary of State for India is, like other Secretaries of State, appointed by the Crown. He is the constitutional adviser of the Crown in all matters relating to India. As a member of the English Cabinet he is responsible to, and represents the authority of, Parliament which is supreme over British India.

The Secretary of State's Council, called the Council of India, originally consisted of fifteen members. At present it consists of such number of members, not less than eight, and not more than twelve, as the Secretary of State may determine. At least half of the members must have served or resided in India not less than ten years and not left India more than five years before the date of their appointment. The members are appointed for a term of five years at the outset and may be re-appointed for a further term of five years for special and declared public reasons ; any member of the Council may be removed by His Majesty from his office on an address of both Houses of Parliament. No member can sit or vote in either House of Parliament. Each member gets an annual salary of £1,200, but the Indian members of the Council get, in addition to it, an annual subsistence allowance of £600. These salaries are paid out of British revenues, not, as hitherto, out of Indian revenues.

The duties of the Council of India are to conduct under the direction of the Secretary of State as President, the business transacted in Great Britain in relation to the Government of India and the correspondence with India.

In certain matters, including the expenditure of the revenues of India, orders of the Secretary of State are required by law to be passed with the

concurrence of a majority of votes at a meeting of his Council. But in all other matters the Secretary of State can overrule his Council, subject to a right on the part of any dissentient member to have his opinion and reasons for it, recorded. The Council is thus a consultative body, without any power of initiation. It can give no opinion on any question, however important, until it has been laid before it by the Secretary of State. Even on questions of expenditure, where they arise out of previous decision of the Cabinet, as would usually be the case in matters relating to peace or war, or foreign relations, the Secretary of State has practically power to overrule his Council.

Under the new Government of India Act the Council of India as at present constituted will cease to exist. But the Secretary of State will be empowered to appoint a body of advisers.

The India Office is the establishment of the Secretary of State. It is, so to say, his Secretariat. It is divided into departments, each under a separate permanent Secretary. The Council itself is divided into Committees which are so formed as to correspond to these departments.

In 1920 a new post, *viz.*, that of a High Commissioner for India, was created by an Order in Council approved by His Majesty the King. This officer is appointed by the Governor-General

of India with the approval of the Secretary of State for India in Council. He has control of the large Stores Department of the India Office and the accounts section connected therewith and the Indian Students' Department : he also supervises the work of the Indian Trade Commissioner in London.

At the head of the Government in India is the Governor-General, who is also Viceroy, or representative of the Sovereign. He is appointed by the Sovereign, and usually holds office for a term of five years. He has a Council, commonly called the Executive Council ; this Council consists of such number of members as His Majesty thinks fit to appoint. At present it consists of six members, besides the Commander-in-Chief who may be, and in practice always is, appointed a member of the Governor-General's Executive Council.

The members of the Governor-General's Council are appointed by the Crown, in practice for a term of five years. Three of them must be persons who, at the time of their appointment, have been, for at least ten years, in the service of the Crown in India, and one must be a Barrister of England, or Ireland, or a member of the Faculty of Advocates in Scotland, or a pleader of a High Court of not less than ten years' standing. No definite qualifications are laid down as regards the remaining members of the Executive Council.

Of the seven members of the Governor-General's Executive Council, three are Indians.

The Governor-General is empowered to appoint a member of his Executive Council to be Vice-President thereof. The Council may assemble at any place fixed by the Governor-General, though usually and for the greater part of the year, it sits at Delhi or at Simla. The meetings of the Council are private.

If there is a difference of opinion in the Council, under ordinary circumstances the opinion of the majority prevails, but, under exceptional circumstances, the Governor-General has power to overrule his Council.

The official acts of the central Government in India are expressed to run in the name of the Governor-General in Council, often described as the Government of India. The executive work of the Government of India is distributed among the seven members of the Council who hold charges, respectively, of the departments of —(1) Home Affairs, (2) Commerce and Railways, (3) Industry and Labour, (4) Education, Sanitation, and Local Self-Government, (5) Finance, (6) Law, and (7) the Army. There is another important department—the Department of Foreign Affairs—which is in direct charge of the Governor-General himself ; there is therefore, no separate member for this Department. It

should be noted that the Commander-in-Chief is himself in charge of the Army Department.

As regards the Departments, we should note that—

(1) The Home Department controls the general administration of British India and deals with internal politics, law and justice, jails, police and a number of other subjects.

(2) The Department of Commerce collects and distributes commercial intelligence, and supervises customs, ports and merchant shipping. The Railway Board is a part of this Department.

(3) The Department of Industries and Labour has recently (in 1920) been carved out of the Department of Commerce and Industries (created by Lord Curzon in 1905) on the recommendation of the Indian Industrial Commission. As its very name implies, it supervises all industrial projects undertaken by the Provincial Directors of Industries and formulates the Industrial policy of the Government of India. The post office and telegraphs are now under this Department.

(4) The Department of Education and Sanitation was created in 1910. It deals mainly with education, hospitals, public health, municipalities, local boards, and ecclesiastical matters; it has to formulate the policy of the Government of India regarding Education, Sanitation and Local Self-Government.

(5) The Finance Department has powers of

supervision over all matters of finance and deals with questions relating to salaries, leave, and pensions of public officers, and with Currency and Banking. It also prepares the annual Budget of the Government of India.

(6) The Law Department prepares the draft of all legislative measures introduced into the Indian Legislature, considers the Bills and Acts of local legislatures, and advises other Departments of the Government on various legal questions.

The new Government of India Act of 1935 makes provision for a complete reconstruction of the existing constitution. The present system is to be replaced by a Federation of States and Provinces. For the purpose of meeting the new conditions it will be necessary to set up a Federal Executive consisting of the Governor-General representing the Crown, aided and advised (except in regard to certain specified matters) by a Council of Ministers, who will be responsible (subject to important qualifications) to a Federal Legislature consisting of representatives of British India and of representatives of Indian States.

The Indian Legislature.—The Government of India Act, 1919, made great changes in the constitution of the Indian Legislature. This was made bicameral in character. A Second Chamber, called the Council of State, was created.

The Indian Legislature thus consists of the

Governor-General and two Chambers, the Council of State and the Legislative Assembly.

The Council of State consists of (1) thirty-three elected members; and (2) twenty-seven nominated members of whom not more than twenty may be officials and one is a person nominated as a result of an election held in Berar. The Presidency of Bengal has six elected representatives in the Council of State, *viz.*, two Mahomedans, three non-Mahomedans, and one representative of European commerce.

The Legislative Assembly consists of (1) 105 elected members,* (2) 26 nominated officials, (3) 14 nominated non-officials (including one hitherto nominated from the North-West Frontier Province.† The Presidency of Bengal has seventeen elected representatives in the Legislative Assembly, *viz.*, six Mahomedans, six non-Mahomedans, three representatives of European Commerce, one of Indian Commerce, and one landholders' representative.

The elected members of both the Council of State and the existing Legislative Assembly are directly elected by general or special constituencies. No person is entitled to be registered on the

* This includes the member nominated as the result of an election held in Berar which is technically not British territory, but a part of the Nizam's Dominions.

† The member for the North-West Frontier Province is now elected.

electoral roll if he is not a British subject, or is of unsound mind, or has been declared guilty of certain offences, or is under 21 years of age. Under certain conditions subjects of Indian States are not disqualified. The qualifications for voters in special constituencies, such as a Chamber of Commerce, or a University, differ in each particular case. No person is entitled to vote in more than one general constituency. Plural voting is thus only permitted in the cases where a man votes in a general constituency and also in a special constituency such as a Chamber of Commerce or a University.

The qualifications of an elector for a general constituency are those based on—(*a*) community, (*b*) residence, and (*c*)—

(*i*) ownership or occupation of a building,
(*ii*) assessment to or payment of municipal or cantonment rates or taxes or local cesses,
(*iii*) assessment to or payment of income tax, or
(*iv*) the holding of land, or
(*v*) membership of a local body.

The qualifications for electors of special constituencies are those specified in Rules made for each particular constituency.

To be eligible for election as a Member either of the Council of State or of the Legislative Assembly, a person must be a solvent male British subject of 25 years or more who is of sound mind, who is not already a member of any other legisla-

tive body, and who is not a dismissed lawyer or a lawyer under orders of suspension from practising. Members of both Houses have to take the Oath of Allegiance before taking their seats in either Chamber.

Every Council of State continues for five years and every Legislative Assembly for three years from its first meeting. The Governor-General is not a Member of either of these two bodies; but he has the right of addressing either House and may for that purpose require the attendance of its members; he may under certain circumstances, shorten or extend the duration of the Houses; he may summon meetings of both Houses, and he may prorogue their sessions. Each House has got its own President; the President of the Council of State is appointed by the Governor-General from among its members; the first President of the Legislative Assembly was appointed for four years by the Governor-General; after that period the Assembly has been electing its own President. The Assembly also elects its own Deputy President. The members of the Governor-General's Executive Council are eligible for nomination to either Chamber but are entitled to address both Chambers.

The Indian Legislature, as above constituted, has power to make laws for all persons, for all courts, and for all places and things within British India. Certain Acts of Parliament mentioned in

sub-sec. 2 of sec. 65 of the old Government of India Act cannot be touched, and no law can be made affecting the authority of Parliament or allegiance to the Crown ; but with these exceptions the law-making power of the Indian Legislature over the whole of British India is unrestricted. All laws must be passed by both the Legislative Assembly and the Council of State ; if one Chamber passes a Bill and the other Chamber refuses to pass it within six months without any amendments or with such amendments as may be agreed to by both Chambers, the Governor-General may refer the Bill to a joint sitting of both Chambers. When a Bill is passed by both Chambers of the Indian Legislature, it has to be presented to the Governor-General for his assent ; at this stage the Governor-General may do one of the following three things :—

(1) He may assent to the Bill ; and thereupon it becomes law and remains law unless it is expressly disallowed by His Majesty in Council ;

(2) He may withhold assent, and thereupon it is lost for the time being ;

(3) He may reserve the Bill for the signification of His Majesty's pleasure thereon ; such a Bill cannot become law until His Majesty in Council has signified his assent and that assent has been notified by the Governor-General.

Members of both the Chambers may ask questions for the purpose of obtaining information on matters of public concern; and any member may put a supplementary question for the purpose of further elucidation of answers already given; members may also move resolutions on matters of public importance and they enjoy, subject to the Rules and Standing Orders, complete freedom of speech in both Chambers. The Legislative Assembly has the additional power of voting demands for grants. It should be noted here that the Governor-General can, in cases of urgent necessity, on his own authority, and without reference to the Indian Legislature, make Ordinances which have the force of law for six months.

The Federal Legislature under the new Government of India Act will consist of the King represented by the Governor-General, and two Chambers, to be styled the Council of State and the House of Assembly. In regard to the House of Assembly the method of indirect election is to be followed. Special arrangements are to be made for the representation of minority communities including the Depressed classes.

The Provinces of India.—British India as at present constituted is made up of ten Governors' provinces and five lesser charges. The former comprise Madras, Bombay, Bengal, the United Provinces of Agra and Oudh, the Panjab,

the North-West Frontier Province, Bihar and Orissa, the Central Provinces, Assam and Burma. The five minor charges are British Beluchistan, Coorg, Ajmer-Merwara, the Andaman and Nicobar Islands and Delhi. Each of these small provinces is administered on behalf of the Government of India by a Chief Commissioner. The creation of two more Governors' Provinces (Sind and Orissa) and the separation of Burma have been decided upon.

Madras and Bombay grew into governorships out of the original trading settlements, Sind was added to the latter soon after its conquest in 1843. The original Presidency of Bengal was elevated from a governorship to a governor-generalship by the Act of 1773. India then consisted of the three presidencies only. Military and political exigencies led to a great extension of the Bengal Presidency, to the North-West. Later Parliamentary legislation relieved the Governor-General by empowering him to create the Lieutenant-Governorship of the North-West Province in 1836, and further to rid himself of the direct administration of Bengal including Bihar and Orissa, by creating the Lieutenant-Governorship of Bengal. The Punjab was the next province to be formed. Annexed in 1849, it was governed first by a board of administration, and then by a Chief Commissioner. After the mutiny of 1857 Delhi was transferred to it and it became a Lieutenant-Governorship.

Under the Reform Scheme of 1919 the Punjab has been made a Governor's province. Oudh was annexed in 1856 and placed under a Chief Commissioner, whose office was merged in that of the Lieutenant-Governor of the North-West Provinces in 1877. The North-West Provinces and Oudh were renamed the United Provinces of Agra and Oudh in Lord Curzon's time. They are at present under the administration of a Governor. Lower Burma was formed into a Chief Commissionership in 1862 ; Upper Burma was added in 1886, and the province was placed under a Lieutenant-Governor in 1897. Burma is now a Governor's Province. The Central Provinces, formed out of portions of the North-West Province and certain lapsed territories, were placed under a Chief Commissioner in 1861. In 1903, Berar, which had long been under British administration, was taken over on a perpetual lease from the Nizam and linked to the Central Provinces. Assam, annexed in 1826, was added to Bengal, from which it was again severed and made a Chief Commissionership in 1874. In 1905 the partition of Bengal converted the eastern half of the province together with Assam into one Lieutenant-Governorship under the name of Eastern Bengal and Assam, and the western half into a second Lieutenant-Governorship under the name of Bengal. This arrangement was modified in 1912 ; Assam became once more a Chief

Commissionership, Bengal a presidency, and Bihar and Orissa a Lieutenant-Governorship. Since 1919, both Assam and the province of Bihar and Orissa have been placed under Governors. The North-West Frontier Province was created for purposes of political security in 1901 by detaching certain Punjab districts. It has recently been raised to the status of a Governor's province. British Beluchistan was formed into a Chief Commissionership in 1887. Coorg was annexed in 1834, and is administered by the British Resident in Mysore. Ajmer-Merwara, ceded in 1818, is similarly administered by the Agent to the Governor-General in Rajputana. The Superintendent of the penal settlement at Port Blair administers the Andaman and Nicobar Islands as Chief Commissioner. Delhi comprises a small area enclosing the new capital city, which was created a separate province under a Chief Commissioner in 1912, at the time of the transfer of the Imperial capital from Calcutta to Delhi.

Constitutional changes of 1919.—Great changes in the constitution and status of provincial governments were made by the Government of India Act of 1919. This Act was passed to give effect to the policy enunciated in the following memorable Declaration made by the Rt. Hon. E. S. Montagu, Secretary of State for India, on the 20th August, 1917:—"The policy of His Majesty's Government, with which the Government

of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India as an integral part of the British Empire." The Act of 1919 and the Rules framed thereunder gave effect to this policy by making the necessary constitutional changes.

The system of Provincial Executive Government under the Act of 1919.—The Declaration of the 20th August, 1917, was based on the principle that the goal of responsible Government * is to be reached by a gradual transfer of responsibility to the representatives of the people. A new type of Executive Government was established in the major provinces—called "Governor's Provinces"—for the purpose of giving effect to this plan of gradual transfer of responsibility. The Provincial Governments set up by the Act of 1919 are of a composite character, and contain both an official and a non-official or popular element. On the Official side the Government

* The illustrious authors of the Montagu-Chelmsford Report para. 189) understand "Responsible Government" to mean "first, that the members of the Executive Government should be responsible to, because capable of being changed by, their constituents ; and secondly, that these constituents should exercise their power through the agency of their representatives in the assembly."

is carried on by a Governor assisted by an Executive Council ; on the popular side the Government consists of the Governor and of Ministers who are elected members of the Legislative Council appointed by the Governor. The Governor in Council is ultimately responsible, as formerly, to the Secretary of State for India, and through him, to Parliament ; the Ministers are responsible to the Legislative Council and retain office so long as they command its confidence and support. This dual system of Government has been called "Dyarchy." For the purpose of allotting to each section of this dual government its own sphere of duty, the work of the Provincial Government has been divided into two parts: certain subjects (such as Land Revenue Administration, Administration of Justice, Police, Ports and Railways, Control of Newspapers, Books and Printing Presses, etc.), called "Reserved Subjects" remain in charge of the Governor in Council ; while other subjects (such as Local Self-Government, Education, Public Health and Sanitation, Public Works, Agriculture, Co-operative Societies, Fisheries, Forest, Excise, Religious and Charitable Endowments, Development of Industries, etc.), called "Transferred Subjects" are administered by the Governor acting with the Minister in charge of the subjects.

Each side has thus its own share in the conduct of the Government of the province, and the

respective shares have been defined in such a way as to fix on each section responsibility for its own work, while co-ordination is achieved by the influence of the Governor, who is associated with both halves of the Government, and has power to summon meetings of his Executive Council and his Ministers for the purpose of joint deliberation whenever he sees fit to do so. A Statutory Commission to review the progress of reforms in India was appointed in 1927 under the Presidency of Sir John Simon. The report of the Commission was published in 1930. This was followed by three Round Table Conferences in London which evolved a scheme of an All-India Federation embracing the Indian States and Provinces except Burma with responsible self-government in the centre and in the major provinces with certain safeguards during the period of transition between now and the establishment of a fully self-governing India at some future date.

The Governor.—The heads of all the major provinces now called "Governors' Provinces" are called "Governors." The common designation, however, does not imply any equality of emoluments or status. The differences arise mainly from the mode of their appointment and the amount of their salaries. The Governors of the three presidencies of Bengal, Madras and Bombay are appointed *directly* by His Majesty by

warrant under the Royal Sign Manual. The Governors of the remaining Governors' provinces (*viz.*, Assam, Bihar and Orissa, the Central Provinces, the United Provinces, the Punjab, the North-West Frontier Province and Burma) are also appointed by His Majesty by warrant under the Royal Sign Manual but only *after consultation with the Governor-General.* Governors are recruited from the ranks of distinguished English statesmen, members of the Indian Civil Service, or experienced Indian publicists. One of the most distinguished Indian statesmen—Lord Sinha—had been appointed Governor of Bihar and Orissa. From the point of view of salary the Governors of Bengal, Madras, Bombay and the United Provinces get the highest salary among the Provincial Governors, *viz.*, Rs. 1,28,000 per annum. The Governors of the Punjab and Bihar and Orissa get a lakh of rupees per annum, while the Governors of the Central Provinces and Assam get respectively Rs. 72,000 and Rs. 66,000 per annum.

The Governors of Bengal, Madras and Bombay enjoy the traditional privilege of corresponding direct with the Secretary of State on certain matters. All Governors continue in office usually for five years, are addressed as "His Excellency," and exercise almost identical powers. They are guided by an "Instrument of

instructions" issued to them by His Majesty at the time of their appointment.

The Governor's Executive Council under the Act of 1919.—The members of a Governor's Executive Council are appointed by His Majesty by warrant under the Royal Sign Manual and continue in office usually for five years; their number may not exceed four. The Bengal Executive Council has got the maximum of four members, two of whom are Europeans and two are Indians. The statute of 1919 provides that one at least of the four members, must be a person who, at the time of his appointment, has been for at least 12 years in the service of the Crown in India. A member of the Executive Council is appointed by the Governor to be its Vice-President.

Ministers.—The Ministers are appointed by the Governor from among the elected members of the Legislative Council. They hold office during the Governor's pleasure. Their salaries are fixed by the Legislative Council which may pay them the same salaries as are paid to the members of the Executive Council or any smaller sum. The statute of 1919 does not fix any limit to the number of Ministers; and some of the provinces have three Ministers each; the other provinces have two or one each. They administer the transferred subjects, and they have to depend on the Legislative Council for sanction of any expenditure in connection with their administration

of the transferred subjects. The Ministers are thus responsible to the Legislative Council which controls their administration by putting questions, by moving resolutions and by financial control over the transferred subjects. In relation to transferred subjects the Governor is guided by the advice of his Ministers unless he sees sufficient cause to dissent from their opinion.

The new Provincial Executive.—The Government of India Act, 1935, proposes to do away with the dyarchical system. It vests the whole executive power and authority of the province in the Governor, as the representative of the King, and it provides the Governor with a Council of Ministers to aid and advise him in the exercise of any powers conferred on him by the Act, except in relation to such matters as are left by the Act to the Governor's discretion.

Provincial Secretariats.—The Secretariats of the Provincial Governments are divided into departments, each under a Secretary with subordinate officers, as in the case of the Supreme Government. The principal executive departmental heads outside the revenue and general administrative departments are much the same in all the large provinces. In Bengal there are Inspectors-General of Police, Jails and Registration, the Director of Public Instruction, the Inspector-General of Civil Hospitals, the Public Health Commissioner, and the Superintendent of the

Civil Veterinary Department. There are also Chief Engineers for Irrigation and for Buildings and Roads.

Provincial Legislatures.—There is a Legislative Council in every Governor's province which continues for three years from its first meeting, unless sooner dissolved by the Governor. It consists of the members of the Executive Council and of the nominated and elected members. The Governor is not a member of the Legislative Council but has the right of addressing the Council, and may, for that purpose require the attendance of its members. The number of members of the Governor's Legislative Councils varies in the different provinces: thus the Bengal Legislative Council has got 140 members, while the Madras, Bombay and the United Provinces Legislative Councils have each got 132, 114 and 123 members respectively. The Act lays down that "of the members of each Council not more than 20 per cent. shall be official members and at least 70 per cent. shall be elected members;" all the Legislative Councils have thus a large non-official majority. More than 80 per cent. of the members of the Bengal Legislative Council are elected non-officials. The first President of the Provincial Legislative Council was appointed for four years by the Governor, after the expiry of which the Council has been electing its own

President. There is also an elected Deputy President.

The Bengal Legislative Council.—The Legislative Council of the Governor of Bengal consists of :—

(1) the members of the Executive Council, *ex-officio* ;

(2) one hundred and fourteen elected members.

(3) such number of members nominated by the Governor as, with the addition of the members of the Executive Council, amounts to twenty-six ; of the members so nominated—

(*a*) not more than twenty may be officials and not more than six shall be non-officials ;

(*b*) certain persons are nominated respectively to represent the following classes or interests, *viz.*—(*i*) the Indian Christian Community, and (*ii*) classes which in the opinion of the Governor, are depressed classes ; and

(*c*) two are persons nominated to represent the labouring classes.

The elected members of the Bengal Legislative Council are directly elected by general or special constituencies. A "general" constituency means a non-Mahomedan, Mahomedan, European

or Anglo-Indian constituency ; a special constituency means a Landholder's, University or Commerce and Industry constituency. The qualifications of an elector for a general constituency are those based on—

(*i*) Community,

(*ii*) residence, and

(*iii*) (*a*) occupation of a building, or

(*b*) payment of municipal or cantonment taxes or fees, or

(*c*) payment of cesses under the Cess Act, 1880, or

(*d*) payment of chaukidari tax or union rate under the Village Chaukidari Act, 1870, or the Bengal Village Self-Government Act, 1919, or

(*e*) payment of income-tax, or

(*f*) military service, or

(*g*) the holding of land.

The qualifications of an elector for a special constituency like the Calcutta University constituency, are those set forth in the Rules in the case of that constituency. Under the Act of 1919 a person is qualified as an elector for the Calcutta University constituency if he has a place of residence in Bengal and is a Member of the Senate or an Honorary Fellow of the University, or a graduate of the University of not less than seven years' standing.

There was much discussion as to whether or

not women should be admitted to the franchise. No definite decision on this important question was arrived at under the Act of 1919. It was possible however, under the rules drawn up under the Act, for women to be placed on the register of voters in any province where the Legislative Council passed a Resolution to that effect. Most of the Provincial Legislative Councils passed affirmative Resolutions on women's suffrage.

The Provincial Legislature under the new Act.—The Act of 1935 provides that in each Governor's province there shall be a Provincial Legislature consisting, except in Bengal, Assam, the United Provinces, Bihar, Bombay and Madras, of the King, represented by the Governor, and a Legislative Assembly. In the provinces named the legislature shall consist of the King, represented by the Governor, and a Legislative Council as well as a Legislative Assembly. The allocation of seats in the Legislative Assemblies is based upon the Communal Award issued by His Majesty's Government on August 4, 1932, with such modifications as have been rendered necessary by the creation of new provinces and the Poona Pact of September 25, 1932.

The new arrangements will secure wider representation for women and the Depressed classes and enfranchise about 15 per cent. of the

population as compared with the present 3 per cent.

The new Bengal Legislative Assembly will consist of 250 members of whom 80 (including two women and 30 representatives of the Depressed classes) will be elected by non-Mahomedan constituencies, 119 by Mahomedans, 4 by Anglo-Indians, 2 by Indian Christians, 11 by Europeans, 5 by Landholders and 2 by the Universities. There will be 19 representatives of industry and commerce and 8 representatives of labour. The Bengal Legislative Council will have not more than 65 and not less than 63 members of whom 27 will be elected by the members of the Bengal Legislative Assembly, 17 by Muslim constituencies, 3 by Europeans and 10 by general constituencies. Not more than 8 members will be nominated by the Governor.

The powers and functions of Governor's Legislative Councils under the Act of 1919.—Under the old constitution a Governor's Legislative Council has power, subject to certain restrictions, to make laws for the peace and good government of the territories for the time being constituting that province. It cannot, however, without the previous consent of the Governor-General, consider any law affecting the public debt of India, the discipline or maintenance of His Majesty's forces in India, the relations of the Government

with foreign princes or states, or any all-India central subject. Certain safeguards have been taken also to enable the Governor in Council to exercise his responsibilities as regards the "Reserved subjects." The Governor may withhold his assent from any Bill or return it for reconsideration by the Legislative Council or reserve it for consideration by the Governor-General. A Bill passed by a Governor's Legislative Council cannot become an Act until the Governor-General has signified his assent to it. The Governor-General may, instead of assenting to or vetoing any Act passed by a Provincial Legislature reserve it for the signification of His Majesty's pleasure thereon. His Majesty in Council may also disallow any Act.

A Governor may, under certain circumstances, dissolve the Legislature of his province: under the Act of 1919 he can also pass laws connected with a Reserved subject even when the Legislature is not in agreement. The Governor may "certify" that the passage of such a Bill is "essential for the discharge of his responsibility for the subject." Every such Act is expressed to be made by the Governor, but has no validity until His Majesty in Council has given his assent to it. The Governor may also certify that a Bill placed before the Legislature affects the safety or tranquillity of his province

and thus prevent any further proceedings thereon.*

The power of the Provincial Legislature has been considerably increased in the matter of finance. Every year the estimated annual revenue and expenditure is laid before it in the form of a statement ; and the proposals of the provincial executive Government for the appropriation of provincial revenues are submitted to the vote of the Legislature in the form of demands for grants. The Legislature may assent, or refuse its assent to grant, or reduce the amount of it, but cannot increase it. But proposals regarding the contribution of provinces to the Indian Government, interest and sinking fund charges and salaries of certain officials need not be submitted to the votes of the Legislature. In the case of demands relating to a Reserved subject, if the Legislature refuses its assent, the Governor in Council has, nevertheless, the power to incur the expenditure involved, if the Governor certifies that such expenditure is essential to the discharge of his responsibility for the subject concerned.

Besides the legislative and financial powers, the members may ask questions for the purpose

* The Act of 1935 also recognises certain "special responsibilities" of the Governor and provides for special legislative powers for their efficient discharge.

of obtaining information on a matter of public concern; and any member may put supplementary questions for the purpose of further elucidation. Resolutions on any matter of public interest in the form of recommendations to Government, may also be moved by members for discussion in the Legislature. The members enjoy, subject to the Rules, complete freedom of speech in the Legislatures: no member is liable to any proceedings in any court by reason of his speech or vote in these Legislative bodies, or by reason of anything contained in any official report of their proceedings.

CHAPTER IV

The Subordinate Executive

Territorial sub-division—Regulation and non-Regulation Provinces—Districts—District Magistrate and Collector—Provincial Police—Military Police—Village Police—Railway Police—Criminal Intelligence Department—Local Self-Government—Municipalities in Presidency Towns—Their constitution, functions and sources of income—The Calcutta Corporation—District Boards—Sub-District Boards—Their constitution, functions and sources of income.

The executive administration of the country, so far as it is conducted by the Government of India and the Provincial Governments, has been described. An account of the Legislative bodies associated with the Governments came in fitly in the same connection. It remains now to complete the account of executive administration by referring to its subordinate branches. It is necessary, in the first place, to say a few words about territorial sub-divisions.

The division of the provinces of India into Regulation and Non-Regulation provinces is an old one. The Regulation provinces were governed by regulations formally made by the Governor-General in Council under the Charter Acts. The Non-Regulation provinces were governed not by

laws made in accordance with the forms prescribed by the Charter Acts for legislation but by executive orders of the Governor-General in Council. The Non-regulation provinces differed from the Regulation provinces, both as to the system of law under which they were governed and the form and composition of the administrative agency. The distinction has now become obsolete, specially in view of the introduction of the Reforms, but traces of it remain in the nomenclature of the staff,—an instance of which is given in the next paragraph—and in the qualifications for administrative posts.

A Province is to be regarded as consisting of a collection of *Districts*, which are usually split up into *Sub-divisions* and those again into smaller circles. In several provinces a number of districts are grouped into *divisions* under the superintendence of Commissioners. The most important unit of administration throughout British India is the district, at the head of which is an officer called, in the old Regulation provinces, Collector and Magistrate, and in the Non-regulation provinces, Deputy Commissioner. British India contains some 267 districts. The average area of a district is over 4,000 square miles, and the average population over 900,000. "The actual districts, however, vary greatly in size and density of population. The Mymensingh district, in Eastern Bengal, for example, has a

population of over 4½ millions on an area of 6,347 square miles."*

The District Magistrate, that is, the Collector and Magistrate of the district, is the head of the Police which is one of the chief departments of executive administration. The system under which the police is administered differs in different provinces, but its general organisation throughout India is based on a law passed in 1861, and the manner in which its duties are to be performed is laid down in the Code of Criminal Procedure. A re-organisation of the Police was suggested by a Commission appointed by the Government of India and certain orders have been issued by the Government from time to time on the report made by that body.

The police establishment under each Local Government forms in most provinces a single force. The Provincial police is under the general control of the Inspector-General. Police administration throughout a district is under an officer styled the District Superintendent. He is responsible for the discipline and internal management of the force, and is subordinate to the District Magistrate in all matters connected with the preservation of peace and the detection and suppression of crime. Each district is subdivided for police

* *Vide* the Fifth Decennial Report on Moral and Material Progress of India, p. 62.

purposes into sections under Inspectors. In most provinces there are subsidiary police stations known as outposts. At the headquarters of each district a reserve is maintained under the command of an Inspector. This reserve serves to strengthen the police in any part of the district where disturbance may be apprehended or other emergency may arise.

A force of military police is maintained in unsettled frontier tracts in Bengal, Assam, and Burma, and in the North-West Frontier Province.

Each police station has within its jurisdiction a number of villages, and for each village there is a *Chaukidar* or watchman. The foremost duty of the *Chaukidar* is to report crime, but he has many other functions. In towns there is a system of police stations, outposts and beats with arrangements for night patrol.

The railway police is organised separately from the district police, but acts in co-operation with it. It is, as a rule, concerned with the maintenance of law and order and not with keeping guard over railway property, which is provided for by the railway administrations.

The Thuggee (*Thagi*) and Dacoity Department which had existed for many years was abolished in 1904 and its place taken by a "Department of Central Criminal Intelligence" working under the Home Department of the Government of India. The object of this department is to collect and

communicate information regarding organised crime committed by offenders operating along the railway system, and by criminal tribes, wandering gangs, organised bands of dacoits, and the like whose operations extend beyond the limits of a single province.

Local Self-Government is now an important element of executive administration. It is a system of comparatively recent growth in British India. The institutions through which it is administered may be classed under two broad heads, namely, Municipalities and Boards of different orders. The constitution of both is determined by various local Acts and is therefore not uniform all over India.

First, of Municipalities. The system of election of representatives of the rate-payers was first established in Bombay, Calcutta and Madras by Acts passed in the years 1872, 1876 and 1878, respectively. In 1881-82 the Government of Lord Ripon issued orders which had the effect of greatly extending the principles of local self-government. Inhabitants of both towns and the country were given a more real and important share in the management of local affairs than they had hitherto possessed. A wide extension was now given to the elective system, and independence and responsibility were conferred on the committees of many towns by permitting them to

elect a private citizen as chairman in place of the executive officer who had hitherto filled the post.

Municipal government is vested in a body corporate composed of municipal commissioners, or as they are called in Madras, Bombay, and Calcutta, municipal councillors. In the great majority of municipalities some of the commissioners are elected, the remainder being appointed by name or office under the orders of the Local Government. The Chairman or President of the municipal corporation is elected by the commissioners from among themselves. Control is exercised through the Collector of the District and the Commissioner of the Division. The Government may provide for the performance of any duty which the Commissioners neglect, and may suspend them in case of incompetence, default or abuse of powers. Special control is exercised over finance and appointments.

Municipal functions are classified under the heads of public safety, health, conveyance, and instruction. Within these heads the duties are many and varied. In order to enable them to carry out their functions, various powers are conferred on municipal bodies by the Municipal Acts and the bye-laws framed under them. The principal heads of taxation are octroi, taxes on houses and lands, animals and vehicles, professions and trades, tolls on roads and ferries, and water, lighting and conservancy rates.

An Act for reconstituting the Calcutta Corporation was passed in 1923, by which the constitution of the Corporation has been largely democratised, and women's suffrage has been introduced. The rate-payers of the town now elect as many as nine-tenths of the Councillors of the Corporation. The Mayor, the Deputy Mayor, the Aldermen, and the Chief Executive Officer of the Corporation are elected by the members of the Corporation itself. The initiative in this matter was taken by Sir Surendranath Banerjea, at that time the Minister for Local Self-Government. The Bengal Municipal Act of 1932 recast an Act of 1884 on modern lines so as to allow of a greater measure of popular control over civic administration in the towns of Bengal. It provided for the elimination of intervention by local officials except at the request of the Local Self-Government Department and for the representation of minority communities by the reservation of seats on a joint electorate.*

Under the orders of Lord Ripon, issued in 1881-82 Boards have been established all over the country for the transaction of local business. The Madras organisation, which provides for three grades of boards, most nearly resembles the pattern set in the original orders.

* Report on the Administration of Bengal, 1931-32, p. xxxii.

Throughout the greater part of the province important villages or groups of villages are organised as unions, each controlled by a body to which the time-honoured name of panchayet has been applied. These unions levy a light tax on houses, mainly for sanitary purposes. Next in degree come, what in some parts of the country are called the *taluk* boards, which form the agency for local works in the administrative sections into which the districts are divided. Finally, there is a District Board with general control over the local administration of the district. In Bengal and other provinces the law requires a District Board to be established in each District, but leaves the establishment of subordinate local boards to the discretion of the Local Government. They have been established in most of the districts in Bengal.

Under the Bengal Village Self-Government Act of 1919 the Local Government have established a large number of Union Boards in the non-municipal areas of Bengal. These Union Boards consist of an elected majority of members, an elected President, and an elected Vice-President. They can appoint and dismiss *Dafadars* and *Chaukidars*, and supervise and control them; they are charged with the duty of improving the sanitary condition of their areas by clearing jungles, draining swamps, digging tanks, wells, etc., and for these purposes, they can appoint their own

men. They can arrange for suitable places for the burial and cremation of the dead ; they can improve local roads, establish primary schools, and run dispensaries. For these purposes they may build up a " Union Fund " by levying rates on owners or occupiers of premises within their jurisdiction. The Union Boards may also be given the power to try minor civil and criminal cases through the agency of " Union Courts. " These Unions will, it is to be hoped, develop into genuine self-governing institutions—a re-creation of the village communities of by-gone days.

The extent to which the elective principle has been introduced varies greatly in different parts of India. In the Bengal districts throughout which sub-district boards have been constituted, these boards are entitled to elect not less than half the members of the District Board. Two-thirds of the members of each sub-district board are elected in the more advanced districts. The local Government has to decide whether the Chairman of the District Board shall be elected or nominated. In Bengal election has been permitted and the office is now usually held by elected non-official gentlemen in all the districts except Darjeeling.*

* The privilege has recently been withdrawn from certain districts.

The primary duty of the Boards is the maintenance and improvement of the means of local communication. Other important functions are the maintenance of hospitals and dispensaries; the provision of drainage and water supply; general sanitation; education, especially in the elementary stages; the construction and maintenance of markets; and the relief of the population in times of famine.

The income of the Boards is chiefly derived from provincial rates. The other main sources are contributions from provincial revenues, receipts from pounds and ferries, and fees and other payments connected with educational and medical institutions.

CHAPTER V

THE JUDICIARY

High Courts—Their jurisdiction—Who may be High Court Judges—Chief Courts—Inferior civil courts—Criminal courts, Grades of—Powers in regard to sentences—Juries and Assessors—The Prerogative of mercy—The Judicial Committee of the Privy Council.

A Federal Court is an essential element in the Federal constitution envisaged by the Government of India Act of 1935. Under the constitution still in force the highest judicial tribunals in India are the High Courts. By an act of Parliament called the Indian High Courts Act, passed in 1861, the Crown was empowered to establish High Courts of Judicature for Bengal, Madras and Bombay. The judges were to be appointed by the Crown, and to hold office during the pleasure of the Sovereign. A High Court judge must be either a member of the English or the Irish Bar, or of the Faculty of Advocates in Scotland of not less than five years' standing ; or a member of the Civil Service of India, of not less than ten years' standing, and having for at least three years exercised the powers of a district judge; or a person having held judicial office not inferior to that

of a subordinate judge, or judge of small cause court, for not less than five years ; or a person having been a pleader of a High Court for not less than ten years. A High Court was to consist of a Chief Justice and of as many judges, not exceeding fifteen as the Sovereign might think fit to appoint. Not less than one-third of the judges, including the Chief Justice, must be barristers or advocates, and not less than one-third must be members of the Civil Service of India.* Each High Court was to be vested with administrative superintendence of all subordinate courts and with the framing of rules, subject to the sanction of the Governor-General in Council for the conduct of business.

In pursuance of these provisions, letters patent or charters were issued in 1862, and re-issued in 1865, to constitute the High Courts of Bengal, Madras, and Bombay, and in 1866 a similar charter created a High Court at Allahabad. The Indian High Courts Act, 1911, increased the maximum number of judges of an Indian High Court from sixteen to twenty, provided that 'additional' judges could be appointed for a term not exceeding two years, and gave power to establish new High Courts from time to time as they

* Proposals to modify the present statutory proportion and make Indian Civil Service Judges eligible for permanent appointment as Chief Justice of a High Court, have recently found support in influential quarters.

might be needed. This enabled the creation of a High Court for Bihar and Orissa in 1916, the conversion of the Chief Court of the Punjab into a High Court in 1919, and also the recent creation of the Rangoon High Court for Burma. The High Court of Fort William at Calcutta has jurisdiction in Bengal and Assam. Its civil jurisdiction may be classified as follows:

(1) Ordinary original jurisdiction in respect of suits of every description, except small causes, within the Presidency town of Calcutta.

(2) Extraordinary original jurisdiction, by which it may remove and try any suit on the file of a subordinate court under certain circumstances.

(3) Jurisdiction as a court of appeal from District Judges and in some cases from Subordinate Judges.

(4) Jurisdiction in regard to the persons and estates of infants, idiots and lunatics.

(5) Jurisdiction as a court for the relief of insolvents.

(6) Admiralty, ecclesiastical, testamentary and intestate jurisdiction.

(7) Jurisdiction in matters matrimonial between Christian subjects of the Government.

The criminal jurisdiction of the court may be divided under the following heads:

(1) Ordinary original jurisdiction in respect

of cases committed to the sessions by the Presidency Magistrate.

Trials are held with the aid of juries.

(2) Extraordinary original jurisdiction in respect of offences committed outside the limits of the Presidency town, and brought before the court under special circumstances.

(3) Jurisdiction as a court of appeal, reference and revision.

The High Courts of Bombay and Madras have powers similar to those of the Calcutta High Court. The Allahabad High Court exercises no ordinary original jurisdiction except as regards criminal proceedings against European British subjects.

A Chief Court for Oudh has recently been established at Lucknow. It is constituted on the model of the High Courts, but it derives its authority from the Indian Legislature, and is composed of a Chief Judge and Judges appointed by the Governor-General in Council. In each of the other provinces the place of the High Court or Chief Court is taken by one or more Judicial Commissioners who are appointed by the Government of India. Such Judicial Commissioners exercise in respect of all courts subject to their appellate jurisdiction the same powers of revision and supervision as the High Courts do with respect to the courts subordinate to them. They derive their authority from various Indian

enactments. As instances may be mentioned Judicial Commissioners in the Central Provinces, North-West Frontier Province and Sind.

The constitution and jurisdiction of the inferior civil courts in each province are determined by special Acts or Regulations. In Bengal, Bihar and Orissa, Assam and the United Provinces of Agra and Oudh, there are the following classes of Civil courts, namely, the court of (1) the district judge, (2) the additional judge, (3) the subordinate judge, and (4) the munsif. The jurisdiction of district judges, additional judges, and subordinate judges, extends to all original suits for the time being cognizable by civil courts. The jurisdiction of the munsif is ordinarily limited to the suits of which the value does not exceed Rs. 1,000 and Rs. 2,000 in special cases.* In the Presidency town as well as in the mofussil, there are Courts of Small Causes for the trial of petty cases.

Ordinarily one District and Sessions Judge is appointed to each important administrative district. Apart from his judicial functions, original and appellate, he has administrative control over, and the responsibility for distribution of business among, all other civil courts within the district. For these offices, members of the Indian Civil Service or of the Provincial Civil Service are, generally, selected.

* Certain changes have been suggested recently.

The arrangements for the administration of justice in criminal cases by courts subordinate to the High Courts are briefly as follows: In most of the provinces there is a certain number of divisions,—each division consisting of districts—in each of which a court of sessions is established, presided over by a sessions judge. Additional, joint, and assistant sessions judges may also be appointed. To each district a Magistrate called the District Magistrate is attached. Any number of subordinate Magistrates that may be required,—either joint magistrates, assistant magistrates, deputy magistrates, or sub-deputy magistrates,—are appointed in the district, subject to the general control of the District Magistrate. In the towns of Calcutta, Madras and Bombay there are magistrates called Presidency Magistrates. In regard to the degree of power or authority in the infliction of sentences, Magistrates are divided into three classes and they are called Magistrates with either first class powers, second class powers, or third class powers.

A High Court may pass any sentence authorised by the Penal Code or other law. A Sessions Judge may pass any sentence authorised by law but the sentences of death are subject to confirmation by the High Court. Trials before courts of sessions are conducted with the aid either of assessors who merely assist but do not

bind the judge by their opinions, or of jurors, according to the general orders of the Local Government. The Sessions Judge, if he considers that a jury has returned a wrong verdict may submit the case to the High Court which is empowered to set aside or modify the finding. A jury consists of nine persons in trials before a High Court, and in other trials, of such uneven number up to nine, as may be prescribed by the Local Government. Unanimous verdict of a High Court jury is final even if the judge happens to disagree.

The prerogative of mercy may be exercised in India by both the Governor-General in Council and the particular Local Government concerned, without prejudice to the superior power of the Crown.

The Crown has by prerogative an inherent general power, controlled and regulated by Acts of Parliament, to hear appeals from its subjects beyond the seas; and that power is now exercised through the Judicial Committee of the Privy Council under a statute of 1833 and some later statutes. To the Judicial Committee the Sovereign may refer any matter whatever for advice ; but, apart from this, the conditions of appeal from India are regulated by the Charters of the High Courts, supplemented, as to civil cases by the provisions of the Code of Civil Procedure and rules of the Council itself. In

criminal cases a right of appeal is given—ordinarily subject to the opinion of the High Court, that the case is a fit one for appeal—from any judgment, order, or sentence of a High Court made in the exercise of original jurisdiction, or in any criminal case where a point of law has been reserved for the opinion of the High Court. But the Judicial Committee may, if they think fit, give special leave to appeal, independently of the provisions of the law of British India.

CHAPTER VI

Revenue and Finance

Land revenue no tax—Settlements classified—Permanent, Zamindari or Talukdari, and Ryotwari—Their incidence—Sources of revenue other than taxation—Land revenue—Opium—Forests—Tributes and Contributions—Post Office, Telegraphs, Railways, Irrigation Works—Taxes—Salt—Excise—Customs—Stamps—Provincial Cesses—The Income Tax—Registration Fees—Chief Heads of Expenditure—Civil Departments—Miscellaneous Civil Charges—The Post Office, Telegraphs and the Mint—Irrigation—Civil Works—Interest on Public Debt—Military Expenditure—Extraordinary Charges—Character of the Home Charges—Control of Indian finance—Decentralisation—Meston Committee's recommendations—Financial adjustment under new constitution.

Revenue in India is derived partly from taxation and partly from sources other than taxation. The most important of all the sources of revenue is the Land Revenue, and this, according to many eminent English writers, is not derived from taxation properly so called. From time immemorial, says Sir John Strachey, the ruling power throughout India has been entitled to a share of the produce of every acre of land, unless it has transferred or limited its right, and this share is the so-called land revenue.

Settlements of land revenue in India are broadly classified under two heads: (1) Permanent

settlements; (2) Temporary settlements. The latter fall under two heads: (*i*) Zamindari, in some provinces called Malguzari or Talukdari; (*ii*) Ryotwari.

Permanent Settlement of the Land Revenue was created in Bengal in 1793. Government found a class of middlemen, called Zamindars, who collected the land revenue and the taxes, and Government declared them to be proprietors of the land. The land revenue, representing the share of the produce or rental to which the State was entitled, was fixed and made unalterable for ever. It was the intention of the Permanent Settlement not only to fix for ever the land revenue of the Zamindars, but, at the same time, secure to the ryot fixity of tenure and fixity of rent. The permanently settled districts cover the greater part of Bengal, parts of the United Provinces and Madras, and a few other isolated tracts.

In Temporary Zamindari Settlements the landlord or proprietary group pays the land revenue to the State, whether the land is cultivated by the revenue-payers themselves or by their rent-paying tenants. The village, and not each field or block, is the unit of assessment. Government has usually no dealings with individual cultivators. These settlements exist mainly in the United Provinces, the Punjab, the Central Provinces, and Orissa. In the

Punjab and the Central Provinces, the ordinary term of settlement is twenty years, and in the other provinces thirty years.

In a Ryotwari Settlement the ryot holds his land in proprietary right, subject to the payment of the assessed revenue, which is fixed for a period of thirty years. He has the option of resigning his entire holding, or any individual field, at the end of the agricultural year. His improvements cannot be made a ground for increasing his assessment at the time of the periodical settlement. He can sell, mortgage, or let his land to any one without requiring the consent of the Government, and at his death the land descends to his children according to the rules of inheritance. He is a peasant proprietor and the engagement of Government is with him. This kind of settlement exists in Bombay, Burma, Assam and Berar, and in the greater part of Madras.

In the Zamindari areas the amount of the periodical assessment is generally rather less than one-half of the ascertained or assessed rental enjoyed by the proprietors. In the Ryotwari tracts the incidence varies in different provinces from one-fifth to one-twenty-fifth of the gross value of the produce.

Opium may be mentioned next among the sources of revenue other than taxation. The opium revenue is raised partly by a monopoly of the

production of the drug, and partly by the levy of a duty on all opium exported from Indian States by sea or introduced from them into British India. Though the poppy will grow in most parts of British India, its cultivation in British territory, with the exception of insignificant tracts, is permitted only in parts of Bengal and the United Provinces. In these two provinces the crop is grown under the control of a Government department which determines the total area to be placed under the crop in each year. The cultivator of opium in these monopoly districts has to take out a license. The license fee and the duty already mentioned are the main sources of the opium revenue. This revenue has however been steadily falling off of late as the Government of China has recently forbidden the use of the drug and its import. In his Budget speech (1935) Sir James Grigg, the Finance Member of the Government of India, pointed out that the income from opium will practically cease at the end of the year 1935 in accordance with the policy which was announced in 1926 by the Government of India. In future Government shall only recover the cost of opium sold for consumption in India.

Next may be mentioned Forest. The Forest revenue is almost entirely derived from the sale of timber and other forest produce. Before the transfer of the Government of India to the Crown, little had been done towards the preservation of

the forests of India, which are very extensive and valuable. They cover altogether some 250,000 square miles, and are now looked after by the Forest Department.

Tributes and contributions from Indian States are another source. They are paid chiefly in lieu of former obligations to supply or maintain troops, and are a small return for the duty undertaken by the Supreme Government in ensuring the peace of the country.

Other important sources of income are the Post-Office, Telegraphs, Railways and Irrigation Works.

The following are the main sources of revenue obtained by taxation:

1. *Salt*. The salt revenue is raised by a duty on all salt imported into or manufactured in British India. The rate of duty has in the past ranged from one-fifth of a rupee in Burma to 3¼ rupees in Bengal per maund. The duty levied in recent times is Re. 1-4-0 per maund.* An additional import duty of 2½ annas per maund is realised from salt imported from foreign countries. Salt is not only imported from beyond the sea but is manufactured in different parts of India and is obtained from pits of Rajputana, and the salt mines of the Punjab. The duty is

* Exclusive of a surcharge of 25 per cent. The total duty including the surcharge is Re. 1-9-0. per maund.

levied at the place of manufacture or at the port of importation.

Some of the salt sources belong to, or are worked under, the direct control of the various Governments in whose jurisdictions they are located ; others are owned by private individuals. The salt supply of India is not therefore a Government monopoly, and the importation of salt from foreign countries is freely permitted. Manufacture is not allowed where the circumstances are such as to render proper collection of the duty impracticable.

The duty on salt is the only obligatory tax which falls upon the masses of the population. Mahatma Gandhi was able to secure certain concessions for the people of the salt-producing areas as a result of the Gandhi-Irwin pact of 1931.

2. *Excise.* The excise revenue is derived mainly from intoxicating liquors, hemp drugs, cocaine and opium consumed in the country, and is levied in the form of a duty on manufacture and fees for sale licenses. The revenue under this head generally shows an increase, and it is said that the chief cause of increase is improved administration and the suppression of illicit distillation and sale, which statement is questioned by many.

3. *Customs.* Customs are indirect taxes levied on the export and import of goods. The

customs revenue is mainly derived from (*a*) the general import duties levied on the value of commodities, (*b*) special import duties, such as those on alcoholic drinks, motor cars and articles in the so-called luxury schedule and (*c*) export duties on rice and jute. A list of such duties is called the *tariff*. An *ad valorem* duty is imposed on cotton goods imported from abroad which account for no less than 26 per cent. of the total import trade. The Government of India have power to impose countervailing duties on goods which have received a bounty. Recently the principle of Imperial Preference has been given effect to in respect of certain articles. An important step in this direction was taken by the Indian Tariff Amendment Act of 1932 as a result of a trade agreement signed at Ottawa in Canada embodying a reciprocal preferential regime so designed as to benefit the trade of both India and Great Britain.*.

Under the Tariff Act of 1934 the standard rate of duty in case of certain cotton piecegoods of British manufacture is 25 per cent. *ad valorem*. The duties on non-British cotton piecegoods was increased to 50 per cent. *ad valorem*.

4. *Stamps*. The stamp revenue is derived partly from stamps on commercial papers, such as bonds, bills of exchange, receipts, and the like ; and partly from fees levied by means of

* India in 1932-33, p. 132 ff.

stamps on plaints, petitions and other documents filed in courts.

5. *Provincial Rates or Cesses.* Most of these are imposed on land for local purposes, such as cesses for expenditure on roads, schools, hospitals, canals, village service, patwaris, and the like.

6. *The Income Tax.* This is what is called a direct tax, that is, a tax paid direct as money. An indirect tax is a tax imposed on goods, such as a tax on salt or liquor or cotton goods. Every person who purchases a taxed article really pays a tax, for the prices are higher by reason of the tax imposed on it. The tax being included in the prices is not paid direct and separately as a tax, in the form of money. A poll-tax is a direct tax because it has to be paid direct as a tax in the form of money. A license tax is of the same description. An income tax is also a direct tax because it has to be paid direct in the form of money by the person who receives a taxable income, or a deduction is made from the amount of the income by the person who gives it. In purchasing taxed salt a person is not conscious that he is paying a tax, and in such a case he is said to pay an indirect tax.

Income-tax is payable on annual incomes derived from salaries, pensions, interest on securities, etc., if amounting to Rs. 1,000 or more. The tax is charged on a graduated scale from 2 pies to 26 pies in the rupee with a surcharge on all

except the lowest rates. In case of every company and registered firm, whatever its total income, the rate is two annas and two pies in the rupee.

The tax is not yet levied on profits or incomes derived from agriculture.

7. *Fees for the registration of Instruments.* These constitute a small source of income.

Recently the whole scheme of taxation in India—central, provincial and local—has been investigated by the Taxation Enquiry Committee. In November, 1923, at a conference between the financial representatives of the Provincial Governments and the Government of India, a resolution was passed recommending the appointment of an expert Committee on Taxation. The Committee was duly formed in 1924 under the presidency of Sir Charles Todhunter. with the following main terms of reference:—

(1) To examine the manner in which the burden of taxation is distributed at present between the different classes of the population.

(2) To consider whether the whole scheme of taxation—central, provincial and local—is equitable and in accordance with economic principles, and, if not, in what respects it is defective.

(3) To report on the suitability of alternative sources of taxation.

The committee made exhaustive enquiries and submitted its report in February, 1926. The

report is a stout volume of nearly 450 printed pages and is a store of valuable information and illuminating suggestions. Important recommendations were made regarding the revision of land revenue, customs duties, income tax and judicial stamps. In the Simla session of 1926, Sir Basil Blackett, the Finance Member of the Government of India, moved a resolution in the Indian Legislative Assembly recommending to the Governor-General in Council that he be pleased to take into consideration the report of the Indian Taxation Enquiry Committee. Proposals for changes in taxation based on the report were also considered by the Central Legislature from time to time and effect has been given to some of the recommendations of the Committee.

The chief heads of State expenditure are as follows:—

1. Civil Departments. These include (*a*) General Administration, (*b*) Courts of Justice, (*c*) Police, (*d*) Marine, (*e*) Education, (*f*) Medical, (*g*) Political, (*h*) Ecclesiastical, (*i*) Minor Departments, such as the Survey of India, the Botanical and Geological surveys, the Meteorological and other scientific departments, experimental cultivation, emigration and various other heads.

The charge for general administration represents the cost of the whole administration down to the grade of Commissioners of Divisions. It

includes charges on account of the Viceroy, the Governors, Chief Commissioners, Councils, etc.

2. Miscellaneous Civil Charges. These include territorial and political pensions, stationery and printing, etc.

3. The Post Office, Telegraphs, and the Mint.

4. Irrigation.

5. Civil Works. These include mainly roads and buildings.

6. Interest on the Public Debt. The Public Debt includes an Ordinary Debt and a Public Works Debt or Debt which is incurred for constructing or carrying on Public Works.

7. Military Expenditure. This includes the cost of maintaining the army and carrying out military works.

8. Extraordinary Charges. These include:

(*a*) Military operation.

(*b*) Special defences.

(*c*) Famine relief.

(*d*) Construction of railways from revenue.

What are called Home charges have already been included under some of the heads enumerated. The greater part of them consists of payments on account of capital and material supplied by England, and belong to a commercial rather than an administrative class of transactions. A portion represents furlough and pension payments; other chief items are: Railway revenue account ;

interest and management of debt; stores ; " army effective charges ;" civil administration ; marine.

Final responsibility for the control of the finances of India has hitherto been placed by Parliament on the Secretary of State in Council. The Secretary of State has delegated to the Government of India large powers under which it can sanction fresh expenditure and create new offices of minor importance. In cases of emergency there is practically no limit to the financial powers which the Government of India exercises.

An efficient system of public accounts and of strict financial control throughout India was established in 1860 by James Wilson, the first finance member of the Governor-General's Council under the Crown. The whole of the revenue from all the provinces of British India was treated as belonging to a single fund, expenditure from which could be authorised by the Governor-General in Council alone. The Provincial Governments were allowed no discretion in sanctioning fresh charges.

The system was found extremely inconvenient and to remedy its defects Lord Mayo in 1871 introduced the system of making a fixed grant to each Local Government for the administration of the Provincial services, requiring it to provide for any additional expenditure by the exercise of economy and the imposition, where necessary, of local taxes. The system had been known as

financial decentralisation. The revenues from land, stamps, excise, assessed taxes and some minor sources, were shared in varying proportions between the Imperial and Provincial Governments. Revenues from all the other larger sources were appropriated exclusively for Imperial purposes. An arrangement was made under which each Provincial Government received for a specified term, usually for five years, certain revenues from which it had to meet certain charges. These charges had to be incurred, generally, in respect of civil administration, collection of land revenue, courts of justice, jails, police, education, medical services, civil buildings and roads, and several other heads. The Local Governments had the power to manage the revenues assigned to them: they got the benefit of any economies they might effect; and they received either the whole or a share of any increase of revenue that might arise during the period of the arrangements.

The above state of affairs passed away as a result of the changes introduced by the Montagu-Chelmsford Reforms. The authors of the report urged the necessity of complete separation between the finances of the Central Government and those of the various Provincial Governments, and to this end outlined a scheme. Their main recommendations were that no heads of revenue should continue divided : that

land revenue, irrigation, excise and judicial stamps should be completely provincialised, and that income tax and general stamps should become central heads of revenue. Inasmuch as under this re-arrangement the Government of India would lose heavily, the scheme proposed that contributions should be levied on the provinces to make up the deficit. For the purpose of fixing the provincial contributions, the authors of the Report chose an assessment proportionate to the gross surplus which each province would enjoy under the new allocation of resources. In order to fix the standard on an equitable scale of contribution a committee was appointed in January, 1920, to investigate the financial relations between the new Central and Provincial Governments. This Committee was presided over by Lord Meston. It was particularly concerned to determine first the contributions which were to be paid by the various provinces to the Central Government for the financial year 1921-22, and secondly, the modifications to be made in the provincial contributions with a view to their equitable distribution. The Committee proposed that the receipts from general stamps should be credited to the provinces and not to the Central Government, and suggested a plan by which the Provincial Governments were to contribute 983 lakhs to the Central Government in 1921-22. The standard contribution of the provinces was

also fixed, as proportions of the total contribution necessary to make up the deficit of the Government of India, this proportion being 19 per cent. from Bengal ; 18 per cent. from the United Provinces ; 17 per cent. from Madras ; 13 per cent. from Bombay ; 10 per cent. from Bihar and Orissa; 9 per cent. from the Punjab ; 6½ per cent. from Burma ; 5 per cent. from the Central Provinces ; and 2½ per cent. from Assam. The Committee recommended that contributions should be readjusted to this standard percentage by equal increments extending over a period of seven years.*

The settlement, however, did not please everybody and indeed it pleased very few. A predominantly agricultural province like the Punjab gained appreciably by having the whole of the land revenue instead of only a part as hitherto, but provinces like Bengal and Bombay, with considerable industries, were in a far less happy position. They provided the bulk of the Indian revenue from income tax and yet they could not hope for anything except a very small fraction of the revenues thus provided. Madras, too, had special cause of complaint against the settlement. By far the heaviest initial contribution, namely, 348 lakhs, was demanded from her and her people and the Madras Government felt this

* India in 1920, pp. 76-77.

sacrifice very keenly. The Government of India under the stress of its own over-riding necessity had no alternative but to adhere to the Meston Award, and so the Reforms opened with what some of the provinces regarded as a crippling levy on their revenues. The years immediately following the Meston Settlement brought little happiness to the provincial financial departments. The provincial contributions were, however, gradually reduced and finally extinguished in 1927-28. The whole question of the financial relations between the Government of India and the Provincial Governments was investigated by the Indian Statutory Commission on constitutional reforms presided over by Sir John Simon. The commission accepted and fully endorsed the general principles of the scheme of Mr. Layton, the Financial Assessor, for the division of resources in British India between the Central and Provincial Governments, and recommended the setting up of a Provincial Fund. This Fund is to be fed by the product of taxes, voted by a Federal Assembly representing Provincial Units, but collected centrally. The Round Table Conference evolved a plan by which, in the main, all the taxes on income were to be assigned to the Provinces, the resulting deficit in the Federal Budget being made up by contributions from the Provinces which it was hoped would finally disappear, as new Federal resources were

developed. The White Paper of 1933 contains proposals for the assignment of a specified percentage of the yield of taxes on income to the Provinces and the allotment to the Federal Units (including the Provinces) of a share of the yield of salt duties, of excise duties and also of export duties. It is proposed in the case of the Jute export duty, that it should be obligatory to assign at least one-half of the proceeds to the producing units. This proposal is made largely in the interests of Bengal which has suffered severely under the existing plan of allocation. The Joint Committee on Indian Constitutional Reforms (1933-34) admitted that the circumstances in the province are so special as to justify special treatment.*

India pays no regular tribute to England: nor, on the other hand, does she receive any financial aid from England in the administration of her own concerns. The cost of the maintenance of the Indian Empire, including the cost of the Army has hitherto been borne by India herself. During the Great War of 1914-18 British India undertook to defray the normal charges of troops withdrawn for the war and to provide a

* Report of the Indian Statutory Commission, Vol. II, pp. 131-32, 155; Proposals for Indian Constitutional Reforms (1933), p. 62; Report of the Joint Committee on Indian Constitutional Reform (session 1933-34), Vol. I, pp 160-67.

further contribution of £ 100 millions (subsequently increased by £13½ millions). As the Fmpire has frequently asked for troops from India for Imperial purposes, an equitable adjustment of the burden of finance is a desideratum and some steps have already been taken in that direction.

CHAPTER VII

THE INDIAN STATES

Indian States—Their number and character—Powers and duties of the British Government—Authority of Indian States how limited—Doctrine of Lapse—Abandonment of the principle—Arrangements in case of failure of heirs of Indian rulers—The Chamber of Princes,—Federation.

The expression "India" includes not only the territories comprised in British India, that is to say, the territories governed by the Crown through the Governor-General of India or any officer subordinate to him, but, also the territories of Indian Princes or Chiefs under the suzerainty of His Majesty. The number of Indian States is at the present day more than 562. Of these only 87 are States of major importance ; whilst very many (particularly in the Bombay Presidency which contains over half the total number) represent only petty chiefs and feudatories. The area and population of the Indian States have been given in an earlier part of the book which shows that the area of their territories is enormous, being more than a third of the total area of the Indian peninsula, though the population is only a little less than a fourth of the total for the whole Indian Empire. Some of

the more important Indian States may be mentioned here. They are Hyderabad, Mysore, Travancore, Kashmir and Jammu, Baroda, Gwalior, Indore, Udaipur, Jaipur, and Bhopal. These ten States contain, between them, two-fifths of the area and over half the total population of all the Indian States.

In the case of every Indian State the British Government, as the paramount power—

(*i*) exercises exclusive control over the foreign relations of the State ;

(*ii*) assumes a general, but limited, responsibility for the internal peace of the State;

(*iii*) assumes a special responsibility for the safety and welfare of British subjects resident in the State; and

(*iv*) requires subordinate co-operation in the task of resisting foreign aggression and maintaining internal order.

All the Indian States, on the other hand, in virtue of the territorial rights which they possess, enjoy some measure of internal sovereignty. Subject, in every case, to the reservation of jurisdiction over British subjects and over cantonment towns in Indian States occupied by British troops, subject also to an understanding as to the strength of the armed forces which an Indian State may maintain, the British Government and the ruler of Indian States divide this sovereignty between them " in proportions which differ greatly accord-

ing to the history and importance of the several States, and which are regulated by treaties or less formal engagements, partly by sanads or charters, and partly by usage. The maximum of sovereignty enjoyed by any of their rulers is represented by a prince like the Nizam of Hyderabad, who coins money, taxes his subjects, and inflicts capital punishment without appeal. The minimum of sovereignty is represented by the lord of a few acres in Kathiawar, who enjoys immunity from British taxation, and exercises some shadow of judicial authority." * The constitutional position of the Indian States in their relations to the Government of India has been further emphasised by Lord Reading in his famous letter, dated 27th March, 1926, addressed to His Exalted Highness, the Nizam of Hyderabad.

An Indian State has not any international existence. It cannot make war. It cannot enter into any treaty, engagement, or arrangement with any of its neighbours. It cannot initiate or maintain diplomatic relations with any foreign Power in Europe, Asia or elsewhere. The British Government have the power to maintain and it is their duty to maintain peace and order in the territories of Indian States. They practically give a guarantee to an Indian ruler against the risk of being dethroned by insurrection ; and this involves a similar guarantee to his subjects

* Ilbert, Government of India, p. 165.

against intolerable misgovernment. The supremacy of the British Government over all the Indian States in India was declared in 1877, in a more emphatic form than it had received before, by the assumption by Queen Victoria of the title of Kaisar-i-Hind, Empress of India.

Lord Dalhousie had adopted and enforced what was called the "doctrine of lapse," that is, the principle that where an Indian prince died without a natural heir, his territory should lapse, and the British Government should take possession of it, and no adopted son should be permitted to succeed. This principle was abandoned after the Mutiny of 1857. On the occasion of that terrible crisis the Indian States remained faithful. Lord Canning observed: "These patches of Native Government served as a breakwater to the storm which would otherwise have swept over us in one great wave." Before Lord Canning left India a sanad was issued to each of the principal Hindu chiefs, assuring him, in the name of the Queen, that on failure of natural heirs the British Government would recognise any adoption of a successor made by himself or by any future chief of the State in accordance with Hindu Law or the customs of his race. The Mahomedan chiefs received assurances that every form of succession allowed by Mahomedan Law to be legitimate would be recognised by the Government. From the principle thus laid down

there has been no departure. Where there has been no adoption the British Government select a successor, and in a case of minority they make arrangements for the proper conduct of the administration.

It should be noted here that the expression "Indian States" does not connote any particular form of Government. The one characteristic feature common to the administrations of these States is the personal rule of the princes. The authors of the Montagu-Chelmsford Report on constitutional Reforms have thus described these States: "They are in all stages of development, patriarchal, feudal, or more advanced, while in a few States are found the beginnings of representative institutions. The characteristic features of all of them, however, including the most advanced, are the personal rule of the prince and his control over legislation and administration of justice."

Along with the inauguration of the Reformed Constitution of 1919 in British India, a Chamber of Princes was established by a Royal Proclamation, dated the 8th February, 1921. The Chamber consists of "Members" and "Representative Members." The "Members" of the Chamber are—

(*i*) Rulers of States who enjoyed permanent dynastic salutes of 11 guns or over on the 1st January, 1920 ; and

(*ii*) Rulers of States who exercise full or practically full internal powers as in the opinion of the Viceroy qualify them for admission to the Chamber.

The "Representative Members" of the Chamber are such Rulers of States not qualified for admission under sub-clauses (*i*) and (*ii*) above, as may be appointed under the Regulations.

The Chamber is a deliberative, consultative and advisory, but not an executive, body. The following extract from His Majesty the King-Emperor's Proclamation referred to above clearly explains the position and functions of this newly constituted Chamber of Princes:—"In my former Proclamation I repeated the assurance given on many occasions by my Royal predecessors and Myself of My determination ever to maintain unimpaired the privileges, rights and dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable. I now authorise My Viceroy to publish the terms of the constitution of the new Chamber. My Viceroy will take its counsel freely in matters relating to the territories of the Indian States generally, and in matters that affect those territories jointly with British India or with the rest of My Empire. It will have no concern with the internal affairs of individual States or their Rulers or with the relations of individual States to My Government, while the existing rights of the

States and their freedom of action will be in no way prejudiced or impaired. It is My earnest hope that the Princes of India will take regular part in the deliberations of the Chamber but attendance will be a matter of choice, not of constraint. There will be no obligation upon any member to record his opinion, by vote or otherwise, upon any question that may come under discussion; and it is further My desire that at the discretion of My Viceroy an opportunity shall be given to any Prince who has not taken a part in the deliberation of the Chamber to record his views on any question that the Chamber has had under its consideration."

The Chamber of Princes was formally inaugurated on the 8th of February, 1921, by H. R. H the Duke of Connaught.

In the Chamber of Princes we have, perhaps, one of the most momentous or pregnant of the constitutional changes which have been recently effected. The constitution of the Chamber meant that the Paramount Power had once and for all abandoned the old policy of isolating the States and that it welcomed their co-operation. "Created for the discussion of matters of common interest to the different States, it will not be able to exclude from its purview the one topic of supreme interest to them all—the growth of free institutions across their borders. The spread of the movement into the States will be watched, views

exchanged, competitive schemes of concession designed. As the process develops, we may expect that the old arbitrary sway of many of the Princes will be tempered by popular assemblies with increasing ambitions and powers. Free from the dynastic tradition of formal alliance with Britain, these rejuvenated communities will come to find the need for closer political relations with the administrations in British India." * This was also the political vision of the authors of the Montagu-Chelmsford report: "Our conception of the eventual future of India is a sisterhood of States, self-governing in all matters of purely local or provincial interest. Over this congeries of States would preside a Central Government, increasingly representative of, and responsible to, the people of all of them ; dealing with matters both internal and external, of common interest to the whole of India ; and representing the interests of all India on equal terms with the self-governing units of the British Empire. In this picture there is a place also for the Native States. It is possible that they too will wish to be associated for certain purposes with the organisation of British India."

The problem of the Indian States and the nature and character of their relations with the Government of India were thoroughly examined

* Ilbert and Meston, The New Constitution of India, p. 181, Report of the Indian States Committee, 1928-29, pp. 20-21.

by the States Enquiry Committee presided over by Sir Harcourt Butler.

In November 1930 a Round Table Conference of British and Indian statesmen and Rulers of Indian States met in London to help the British Government to devise a new constitution for India. His Majesty the King-Emperor in inaugurating the Conference expressed the hope that it would lay the true foundation of self-government for India based on a fusion of the divergent claims of different sections of the people into mutual obligations. At the first session of the Conference the Princes made a dramatic declaration in favour of an All-India Federation with responsible government in the centre. A Government of India Act which provides for the establishment of such a Federation of States and Provinces, has recently been passed by Parliament. When the new polity will be brought into existence the Ruler of a State may signify to the Crown his willingness to accede to the Federation by executing an Instrument of Accession. This Instrument will enable the powers and jurisdiction of the Ruler, in respect of those matters which he has agreed to recognise as Federal subjects, to be exercised by the Federal authorities brought into existence by the new Act ; that is to say, the Governor-General, the Federal Legislature, and the Federal Court. Accession of a sufficient number of States is a condition precedent to Federation.

APPENDICES

APPENDIX I

THE QUEEN'S PROCLAMATION*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith.

Whereas, for divers weighty reasons, we have resolved, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, to take upon ourselves the Government of the territories in India, hereto-

* Queen Victoria's Letter to the Earl of Derby, August 15, 1858, which is here given, enables us to form some idea of the spirit which breathes through the Queen's Proclamation :—

"The Queen has asked Lord Malmesbury to explain in detail to Lord Derby her objection to draft of Proclamation for India. The Queen would be glad if Lord Derby would write it himself in his excellent language, bearing in mind that it is a female Sovereign who speaks to more than 100,000,000 of Eastern people on assuming the direct Government over them after a bloody civil war, giving them pledges which her future reign is to redeem, and explaining the principles of her Government. Such a document should breathe feelings of generosity, benevolence, and religious feeling, pointing out the privileges, which the Indians will receive in being placed on an equality with the subjects of the British Crown and the prosperity following in the train of civilisation."

fore administered in trust for us by the Honourable East India Company:

Now, therefore, we do by these presents notify and declare that, by the advice and consent aforesaid, we have taken upon ourselves the said Government; and we hereby call upon all our subjects within the said territories to be faithful, and to bear true allegiance to us, our heirs and successors, and to submit themselves to the authority of those whom we may hereafter, from time to time, see fit to appoint to administer the Government of our said territories, in our name and on our behalf.

And we, reposing special trust and confidence in the loyalty, ability, and judgment of our right trusty and well beloved cousin and Counsellor, Charles John Viscount Canning, do hereby constitute and appoint him, the said Viscount Canning to be our first Viceroy and Governor-General in and over our said territories, and to administer the Government thereof in our name and generally to act in our name and on our behalf, subject to such orders and regulations as he shall, from time to time, receive through one of our Principal Secretaries of State.

And we do hereby confirm in their several offices, Civil and Military, all persons now employed, in the service of the Honourable East India Company, subject to our future pleasure,

and to such laws and regulations as may hereafter be enacted.

We hereby announce to the Native Princes of India that all treaties and engagements made with them by or under the authority of the East India Company are by us accepted, and will be scrupulously maintained, and we look for the like observance on their part.

We desire no extension of our present territorial possessions; and while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others. We shall respect the rights, dignity, and honour of native princes as our own; and we desire that they, as well as our own subjects, should enjoy that prosperity, and that social advancement which can only be secured by internal peace and good government.

We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil.

Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our royal will and pleasure that none be in anywise favoured,

none molested or disquieted, by reason of their religious faith or observances but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure.

And it is our further will that, so far as may be, our subjects of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge.

We know, and respect, the feeling of attachment with which natives of India regard the lands inherited by them from their ancestors and we desire to protect them in all rights connected therewith, subject to the equitable demands of the state; and we will that, generally, in framing and administering the law, due regard be paid to the ancient rights, usages and customs of India.

We deeply lament the evils and misery which have been brought upon India by the acts of ambitious men who have deceived their countrymen by false reports, and led them into open rebellion. Our power has been shown by the suppression of that rebellion in the field, we desire to show our mercy by pardoning the

offences of those who have been thus misled, but who desire to return to the path of duty.

Already, in one province, with a desire to stop the further effusion of blood, and to hasten the pacification of our Indian dominions, our Viceroy and Governor-General has held out the expectation of pardon, on certain terms, to the great majority of those who, in the late unhappy disturbances, have been guilty of offences against our Government, and has declared the punishment which will be inflicted on those whose crimes place them beyond the reach of forgiveness. We approve and confirm the said act of our Viceroy and Governor-General, and do further announce and proclaim as follows:

Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard to such the demands of justice forbid the exercise of mercy.

To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators of revolt, their lives alone can be guaranteed ; but in apportioning the penalty due to such persons, full consideration will be given to the circumstances under which they have been induced to throw off their allegiance ; and large indulgence will be shown to

those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing men.

To all others in arms against the Government we hereby promise unconditional pardon, amnesty, and oblivion of all offences against ourselves, our crown and dignity, on their return to their homes and peaceful pursuits.

It is our royal pleasure, that these terms of grace and amnesty, should be extended to all those who comply with these conditions before the 1st day of January next.

When by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer the Government for the benefit of our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people.

APPENDIX II

PROCLAMATION OF KING-EMPEROR EDWARD VII TO THE PRINCES AND PEOPLES OF INDIA.

November 2nd, 1908.

It is now 50 years since Queen Victoria, my beloved mother, and my August Predecessor on the throne of these realms, for divers weighty reasons, with the advice and consent of Parliament, took upon herself the Government of the territories theretofore administered by the East India Company. I deem this a fitting anniversary on which to greet the Princes and Peoples of India, in commemoration of the exalted task then solemnly undertaken. Half a century is but a brief span in your long annals, yet this half century that ends to-day will stand amid the floods of your historic ages, a far shining landmark. The proclamation of the direct supremacy of the Crown sealed the unity of Indian Government and opened a new era. The journey was arduous, and the advance may have sometimes seemed slow; but the incorporation of many strangely diversified communities, and of some three hundred millions of the human race, under British guidance and control has proceeded steadfastly

and without pause. We survey our labours of the past half century with clear gaze and good conscience.

Difficulties such as attend all human rule in every age and place, have risen up from day to day. They have been faced by the servants of the British Crown with toil and courage and patience, with deep counsel and a resolution that has never faltered nor shaken. If errors have occurred, the agents of my Government have spared no pains and no self-sacrifice to correct them ; if abuses have been proved, vigorous hands have laboured to apply the remedy.

No secret of empire can avert the scourge of drought and plague, but experienced administrators have done all that skill and devotion are capable of doing, to mitigate those dire calamities of Nature. For a longer period than was ever known in your land before, you have escaped the dire calamities of War within your borders. Internal peace has been unbroken.

In the great Charter of 1858 Queen Victoria gave you noble assurance of her earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer the Government for the benefit of all resident therein. The schemes that have been diligently framed and executed for promoting your material convenience and advance—schemes unsurpassed in their magnitude and their boldness

—bear witness before the world to the zeal with which that benignant promise has been fulfilled.

The rights and privileges of the Feudatory Princes and Ruling Chiefs have been respected, preserved, and guarded ; and the loyalty of their allegiance has been unswerving. No man among my subjects has been favoured, molested, or disquieted, by reason of his religious belief or worship. All men have enjoyed protection of the law. The law itself has been administered without disrespect to creed or caste, or to usages and ideas rooted in your civilisation. It has been simplified in form, and its machinery adjusted to the requirements of ancient communities slowly entering a new world.

The charge confided to my Government concerns the destinies of countless multitudes of men now and for ages to come ; and it is a paramount duty to repress with a stern arm guilty conspiracies that have no just cause and no serious aim. These conspiracies I know to be abhorrent to the loyal and faithful character of the vast hosts of my Indian subjects, and I will not suffer them to turn me aside from my task of building up the fabric of security and order.

Unwilling that the historic anniversary should pass without some signal mark of Royal clemency and grace, I have directed that, as was ordered on the memorable occasion of the Coronation Durbar in 1903, the sentences of persons whom our

courts have duly punished for offences against the law, should be remitted, or in various degrees reduced ; and it is my wish that such wrong doers may remain mindful of this act of mercy, and may conduct themselves without offence henceforth.

Steps are being continuously taken towards obliterating distinctions of race as the test for access to posts of public authority and power. In this path I confidently expect and intend the progress henceforward to be steadfast and sure, as education spreads, experience ripens, and the lessons of responsibility are well learned by the keen intelligence and apt capabilities of India.

From the first, the principle of representative institutions began to be gradually introduced, and the time has come when, in the judgment of my Viceroy and Governor-General and others of my counsellors, that principle may be prudently extended. Important classes among you, representing ideas that have been fostered and encouraged by British rule, claim equality of citizenship, and a greater share in legislation and Government. The politic satisfaction of such a claim will strengthen, not impair, existing authority and power. Administration will be all the more efficient, if the officers who conduct it have greater opportunities of regular contact with those whom it affects, and with those who influence and reflect common opinion about it. I will not speak of the measures that are now being

diligently framed for these subjects. They will speedily be made known to you, and will, I am very confident, mark a notable stage in the beneficent progress of your affairs.

I recognise the valour and fidelity of my Indian troops, and at the New Year I have ordered that opportunity should be taken to show in substantial form this, my high appreciation, of their martial instincts, their splendid discipline, and their faithful readiness of service.

The welfare of India was one of the objects dearest to the heart of Queen Victoria. By me ever since my visit in 1875, the interests of India, its princes and peoples, have been watched with an affectionate solicitude that time cannot weaken. My dear Son, the Prince of Wales, and the Princess of Wales, returned from their sojourn among you with warm attachment to your land, and true and earnest interest in its well being and content. These sincere feelings of active sympathy and hope for India on the part of my Royal House and Line only represent, and they do most truly represent, the deep and united will and purpose of the people of this Kingdom.

May Divine protection and favour strengthen the wisdom and mutual goodwill that are needed, for the achievement of a task as glorious as was ever committed to rulers and subjects in any State or Empire of recorded time.

APPENDIX III

Announcement of His Majesty King-Emperor George V at the Coronation Durbar.

December 12th, 1911.

It is with genuine feelings of thankfulness and satisfaction that I stand here to-day, among you. This year has been to the Queen-Empress and myself one of many great ceremonies and of an unusual though happy burden of toil. But in spite of time and distance, the grateful recollections of, our last visit to India have drawn us again to the land which we then learned to love, and we started with bright hopes on our long journey to revisit the country in which we had already met the kindness of a home.

In doing so I have fulfilled the wish expressed in my message of last July, to announce to you in person my Coronation, celebrated on the 22nd of June in Westminster Abbey, when by the Grace of God the Crown of my forefathers was placed on my head with solemn form and ancient ceremony.

By my presence with the Queen-Empress I am also anxious to show our affection for the loyal Princes and faithful Peoples of India, and

how dear to our hearts is the welfare and happiness of the Indian Empire.

It was, moreover, my desire that those who could not be present at the solemnity of the Coronation should have the opportunity of taking part in its commemoration at Delhi.

It is a sincere pleasure and gratification to myself and the Queen-Empress to behold this vast assemblage and in it my Governors and trusty officials, my great Princes, the representatives of the Peoples, and deputations from the military Forces of My Indian Dominions.

I shall receive in person with heartfelt satisfaction the homage and allegiance which they loyally desire to render.

I am deeply impressed with the thought that a spirit of sympathy and affectionate goodwill unites Princes and People with me on this historic occasion.

In token of these sentiments I have decided to commemorate the event of my Coronation, by certain marks of my special favour and consideration and these I will later on to-day cause to be announced by my Governor-General to this assembly.

Finally I rejoice to have this opportunity of renewing in my own person those assurances which have been given you by my revered predecessors of the maintenance of your rights and privileges and of my earnest concern for your

welfare, peace, and contentment. May the Divine favour of Providence watch over my People and assist me in my utmost endeavour to promote their happiness and prosperity.

To all present, feudatories and subjects, I tender Our loving greeting.

APPENDIX IV

ADDRESS PRESENTED BY THE UNIVERSITY OF CALCUTTA TO THEIR IMPERIAL MAJESTIES THE KING-EMPEROR AND QUEEN-EMPRESS ON THE 6TH JANUARY, 1912.

To

THEIR MOST EXCELLENT AND IMPERIAL MAJESTIES THE KING-EMPEROR AND QUEEN-EMPRESS.

May it please Your Majesties,—

It is with feelings of the deepest devotion and loyalty that we, the representatives of the University of Calcutta, avail ourselves of the high privilege of approaching Your Gracious Majesties with an address. With all Indians we share the enthusiastic gratitude due to the great Sovereign and his Consort who have vouchsafed to give to their affection and regard for our beloved country the most powerful and eloquent expression by coming to celebrate in India at our old Imperial city, the Coronation which took place in London last June. In addition we, the Members of the Calcutta University, remember with special pride and gratitude the time, now six years ago, when Your Imperial Majesty, then Prince of Wales,

graciously consented to join the ranks of our Honorary Doctors of Law. Nor do we fail to recall to mind the occasion when Your Gracious Majesty's august father, King Edward VII of revered memory, conferred on the University a similar high honour and thereby inaugurated a connection between the Royal House and our University which, we are proud to think, thus already possesses an hereditary character.

We, however, on the present auspicious occasion, may perhaps venture to claim that we represent not the University of Calcutta only, but the entire body of the Indian Universities, and taking an even wider view of the situation, that entire, ever increasing, section of the Indian people which has had a University education. In this widely representative capacity we humbly crave leave to give expression to a special feeling of gratitude. The inestimable advantages and blessings, for which India is indebted to its connection with Great Britain, are of so manifold a nature that we cannot undertake even to touch on them as a whole; but there is one boon, and this surely one of the greatest, to which the representatives of the Universities feel entitled, nay bound, to refer specially—we mean the access which the union of the two countries has given us to the priceless treasures of modern western knowledge and culture, literature and science. We Indians no doubt look back with pride and

reverence to what in the days of old, our forefathers accomplished in the fields of thought and knowledge ; but we at the same time fully realize that, in order to advance the greatness and happiness of our country and to reconquer for it an honourable place among the great progressive nations of the world, we must, in the first place, strenuously endeavour to arm ourselves with all the knowledge, all the science, all the skill of the West. When, therefore, appearing before our Gracious King-Emperor, who symbolizes to us in his own person as it were the happy union between Great Britain and India and all the blessings springing from it, we, the representatives of the Indian Universities, feel strongly urged to give expression to a feeling of deep gratitude to Providence for the kind dispensation which had tied the fates of India to those of a western country so advanced and enlightened as Great Britain,—gratitude to our Rulers who long ago initiated and ever since have adhered to a farsighted and sympathetic policy of a public instruction and education through the beneficent action of which the light of modern knowledge is gradually spreading through the whole length and breadth of the land. And with the expression of gratitude it behoves us to couple a further assurance. We humbly request permission to assure Your Gracious Majesties that the Indian Universities which are the leaders in the great

intellectual movement that at present is reshaping India, are vividly conscious of the very weighty responsibilities which this their place and function impose on them. They realise that it is their duty not only to promote and foster but also to guide and control the country's advance on the paths of enlightenment and knowledge, and to provide safeguards as far as it is in their power, so that the enthusiasm which a sudden widening of the intellectual horizon is apt to engender in youthful minds may not tend to impair or weaken those great conservative forces without the constant silent action of which no nation can achieve true greatness and well-being—the forces of respect for order, reverence for law and good custom, loyalty to established authority. We venture to assure Your Gracious Majesties that the Indian Universities, while ambitious to be leaders of a boundless intellectual advance are no less anxious to act as centres of stability—moral, social and political ; that they will ever view it as a supreme duty to strengthen the bonds which connect India with Great Britain and the Royal House ; and that they rejoice in the thought that it may be given to them to contribute their share towards the successful accomplishment, under Providence, of that great task which the world-wide British Empire has taken upon itself for the good of Humanity.

APPENDIX V

Reply of His Majesty the King-Emperor George V to the address presented by the University of Calcutta.

I recall with pleasure the occasion on which, six years ago, I received from the University of Calcutta the Honorary Degree of a Doctor of Law, and I am glad to have an opportunity to-day of showing my deep and earnest interest in the higher education of India. It is to the Universities of India that I look to assist in that gradual union and fusion of the culture and aspiration of Europeans and Indians on which the future well-being of India so greatly depends. I have watched with sympathy the measures that from time to time have been taken by the Universities of India to extend the scope and raise the standards of instruction. Much remains to be done. No University is now-a-days complete unless it is equipped with teaching faculties in all the more important branches of the sciences and the arts, and unless it provides ample opportunities for research. You have to conserve the ancient learning and simultaneously to push forward Western science. You have also to build up character, without which learning is of little

value. You say that you recognise your great responsibilities. I bid you Godspeed in the work that is before you. Let your ideals be high and your efforts to pursue them unceasing and, under Providence, you will succeed.

Six years ago I sent from England to India a message of sympathy. To-day in India I give to India the watchword of hope. On every side I trace the sign and stirrings of new life. Education has given you hope; and through better and higher education you will build up higher and better hope. The announcement was made at Delhi by my command that my Governor-General in Council will allot large sums for the expansion and improvement of education in India. It is my wish that there may be spread over the land a network of schools and colleges, from which will go forth loyal and manly and useful citizens, able to hold their own in industries and agiculture and all the vocations in life. And it is my wish, too, that the homes of my Indian subjects may be brightened and their labour sweetened by the spread of knowledge with all that follows in its train, a higher level of thought, of comfort, and of health. It is through education that my wish will be fulfilled, and the cause of education in India will ever be very close to my heart.

It is gratifying to me to be assured of your devotion to myself and to my House, of your

desire to strengthen the bonds of union between Great Britain and India, and of your appreciation of the advantages which you enjoy under British Rule. I thank you for your loyal and dutiful address.

APPENDIX VI

THE ROYAL PROCLAMATION.

December 23rd, 1919.

George the Fifth, by the grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India. To my Viceroy and Governor-General, to the Princes of Indian States, and to all my subjects in India, of whatsoever race or creed, greeting.

I. Another epoch has been reached to-day in the Councils of India. I have given my Royal Assent to an Act which will take its place among the great historic measures passed by the Parliament of this Realm for the better government of India and for the greater contentment of her people. The Acts of seventeen hundred and seventy-three and seventeen hundred and eighty-four were designed to establish a regular system of administration and justice under the Honourable East India Company. The Act of eighteen hundred and thirty-three opened the door for Indians to public office and employment. The Act of eighteen hundred and fifty-eight transferred the administration from the Company

to the Crown and laid the foundations of public life which exist in India to-day. The Act of eighteen hundred and sixty-one sowed the seed of representative institutions, and the seed was quickened into life by the Act of nineteen hundred and nine. The Act which has now become law entrusts elected representatives of the people with a definite share in Government and points the way to full representative Government hereafter. If, as I confidently hope, the policy which this Act inaugurates should achieve its purpose, the results will be momentous in the story of human progress and it is timely and fitting that I should invite you to-day to consider the past and to join me in my hopes of the future.

II. Ever since the welfare of India was confided to us, it has been held as a sacred trust by Our Royal House and Line. In eighteen hundred and fifty-eight Queen Victoria of revered memory solemnly declared herself bound to her Indian subjects by the same obligations of duty as to all her other subjects ; and she assured them religious freedom and the equal and impartial protection of law. In his message to the Indian people in nineteen hundred and three my dear father, King Edward the Seventh, announced his determination to maintain unimpaired the same principles of humane and equitable administration. Again in his proclamation

of nineteen hundred and eight, he renewed the assurances which had been given fifty years before and surveyed the progress which they had inspired. On my accession to the throne in nineteen hundred and ten I sent a message to the Princes and peoples of India acknowledging their loyalty and homage and promising that the prosperity and happiness of India should always be to me of the highest interest and concern. In the following year I visited India with the Queen-Empress and testified my sympathy for her people and my desire for their well-being.

III. While these are the sentiments of affection and devotion by which I and my predecessors have been animated, the Parliament and the people of this Realm and my officers in India have been equally zealous for the moral and material advancement of India. We have endeavoured to give to her people the many blessings which Providence has bestowed upon ourselves. But there is one gift which yet remains and without which the progress of a country cannot be consummated : the right of her people to direct her affairs and safeguard her interests. The defence of India against foreign aggression is a duty of common Imperial interest and pride. The control of her domestic concerns is a burden which India may legitimately aspire to take upon her own shoulders. The burden is too heavy to be borne in full until time and

experience have brought the necessary strength ; but opportunity will now be given for experience to grow and, for responsibility to increase with the capacity for its fulfilment.

IV. I have watched with understanding and sympathy the growing desire of my Indian people for representative institutions. Starting from small beginnings this ambition has steadily strengthened its hold upon the intelligence of the country. It has pursued its course along constitutional channels with sincerity and courage. It has survived the discredit which at times and in places lawless men sought to cast upon it by acts of violence committed under the guise of patriotism. It has been stirred to more vigorous life by the ideals for which the British Commonwealth fought in the Great War, and it claims support in the part which India has taken in our common struggles, anxieties and victories. In truth, the desire after political responsibility has its source at the roots of the British connection with India. It has sprung inevitably from the deeper and wider studies of human thought and history which that connection has opened to the Indian people. Without it the work of the British in India would have been incomplete. It was therefore with a wise judgment that the beginnings of representative institutions were laid many years ago. This scope has been extended stage by stage until there now lies

before us a definite step on the road to responsible Government.

V. With the same sympathy and with redoubled interest I shall watch the progress along this road. The path will not be easy and in marching towards the goal there will be need of perseverance and of mutual forbearance between all sections and races of my people in India. I am confident that those high qualities will be forthcoming. I rely on the new popular assemblies to interpret wisely the wishes of those whom they represent and not to forget the interests of the masses who cannot yet be admitted to franchise. I rely on the leaders of the people, the Ministers of the future, to face responsibility and endure misrepresentation, to sacrifice much for the common interest of the State, remembering that true patriotism transcends party and communal boundaries, and, while retaining the confidence of the legislatures, to co-operate with my officers for the common good in sinking unessential differences and in maintaining the essential standards of a just and generous government. Equally do I rely on my officers to respect their new colleagues and to work with them in harmony and kindliness; to assist the people and their representatives in an orderly advance towards free institutions; and to find in these new tasks a fresh opportunity to

fulfil, as in the past, their highest purpose of faithful service to my people.

VI. It is my earnest desire at this time that so far as possible any trace of bitterness between my people and those who are responsible for my Government should be obliterated. Let those who in their eagerness for political progress have broken the law in the past respect it in future. Let it become possible for those who are charged with the maintenance of peaceful and orderly Government to forget the extravagances they have had to curb. A new era is opening. Let it begin with a common determination among my people and my officers to work together for a common purpose. I therefore direct my Viceroy to exercise in my name and on my behalf my Royal clemency to political offenders in the fullest measure which in his judgment is compatible with the public safety. I desire him to extend it on this condition to persons who for offences against the State or under any special or emergency legislation are suffering from imprisonment or restrictions upon their liberty. I trust that this leniency will be justified by the future conduct of those whom it benefits, and that all my subjects will so demean themselves as to render it unnecessary to enforce the laws for such offences hereafter.

VII. Simultaneously with the new constitution in British India, I have gladly assented to the

establishment of a Chamber of Princes. I trust that its counsels may be fruitful of lasting good to the Princes and States themselves, may advance the interests which are common to their territories and to British India, and may be to the advantage of the Empire as a whole. I take the occasion again to assure the Princes of India of my determination ever to maintain unimpaired their privileges, rights and dignities.

VIII. It is my intention to send my dear son, the Prince of Wales, to India by next winter to inaugurate on my behalf the new Chamber of Princes and the new constitution in British India. May he find mutual goodwill and confidence prevailing among those on whom will rest the future service of the country, so that success may crown their labours, and progressive enlightenment attend their administration. And with all my people I pray to Almighty God that by his wisdom and under His guidance India may be led to greater prosperity and contentment, and may grow to the fullness of political freedom.

December the twenty-third, nineteen hundred and nineteen.

APPENDIX VII

THE ROYAL MESSAGE DELIVERED THROUGH THE DUKE OF CONNAUGHT ON THE OCCASION OF THE INAUGURATION ON FEBRUARY 9TH, 1921, OF THE COUNCIL OF STATE AND THE INDIAN LEGISLATIVE ASSEMBLY.

Little more than a year has elapsed since I gave my assent to the Act of Parliament which set up a constitution for British India. The intervening time has been fully occupied in perfecting the necessary machinery: and you are now at the opening of the first session of the legislatures which the Act established. On this auspicious occasion I desire to send to you, and to the members of the various Provincial Councils, my congratulations and my earnest good wishes for success in your labours and theirs.

For years, it may be for generations, patriotic and loyal Indians have dreamed of Swaraj for their motherland. To-day you have the beginnings of Swaraj within my Empire; and widest scope and ample opportunity for progress to the liberty which my other Dominions enjoy.

On you, the first representatives of the people in the new Councils, there rests a very special responsibility. For on you it lies by the conduct

of your business and the justice of your judgments to convince the world of the wisdom of this great constitutional change. But on you it also lies to remember the many millions of your fellow countrymen who are not yet qualified for a share in political life, to work for their upliftment and to cherish their interests as your own.

I shall watch your work with unfailing sympathy and with a resolute faith in your determination to do your duty to India and the Empire.

APPENDIX VIII

THE ROYAL MESSAGE DELIVERED THROUGH THE PRINCE OF WALES ON HIS LANDING AT BOMBAY ON NOVEMBER 17TH, 1921.

On this day, when my son lands for the first time upon your shores I wish to send through him my greetings to you, the Princes and Peoples of India. His coming is a token and a renewal of the pledges of affection which it has been the heritage of our House to re-affirm to you. My father when Prince of Wales counted it his privilege to see and seeing to understand the Great Empire in the East over which it was to be his destiny to rule; and I recall with thankfulness and pride that when he was called to the Throne, it fell to me to follow his illustrious example. With this same hope and in this same spirit my son is with you to-day. The thought of his arrival brings with a welcome vividness to my mind the happy memories I have stored of what I myself have learned in India ; its charm and beauty, its immemorial history, its noble monuments, and above all, the devotion of India's faithful people, since proved, as if by fire in their response to their Empire's call in the hour of its greatest need. These memories will ever

be with me as I trace his steps, my heart is with him as he moves amongst you, and with mine the heart of the Queen-Empress, whose love for India is no less than mine. To friends whose loyalty we and our fathers have treasured, he brings this message of trust and hope. My sympathy in all that passes in your lives is unabated. During the recent years my thoughts have been yet more constantly with you. Throughout the civilised world, the foundations of social order have been tested by war and change. Wherever citizenship exists, it has had to meet the test, and India like other countries has been called on to face new and special problems of her own. For this task her armoury is in new powers and new responsibilities with which she has been equipped. That with the help of these, aided by the ready guidance of my Government and its officers, you will bring those problems to an issue worthy of your historic past and of happiness for your future; that all disquiet will vanish in well-ordered progress, is my earnest wish and my confident belief. Your anxieties and your rejoicings are my own. In all that may touch your happiness, in all that gives you hope and promotes your welfare, I feel with you in the spirit of sympathy. My son has followed from afar your fortunes. It is now his ambition, by his coming among you, to ripen good will into a yet fuller understanding. I trust and believe when he leaves your shores your

hearts will follow him and his will stay with you, and that one link more will be added to the golden chain of sympathy which for these many years has held my throne to India. And it is my warmest prayer that wisdom and contentment growing hand in hand will lead India into increasing national greatness within a free Empire, the Empire for which I labour and for which, if it be the Divine Will, my son shall labour after me.

APPENDIX IX

Instrument of Instructions to Governors.

GEORGE R. I.

INSTRUMENT OF INSTRUCTIONS TO THE GOVERNOR OR ACTING GOVERNOR FOR THE TIME BEING OF THE PRESIDENCY OF FORT WILLIAM IN BENGAL.*

Whereas by the Government of India Act, provision has been made for the gradual development of self-governing institutions in British India with a view to the progressive realisation of responsible government in that country as an integral part of our Empire ;

And whereas it is Our will and pleasure that, in the execution of the Office of Governor in and over the Presidency of Fort William in Bengal, you shall further the purposes of the said Act, to the end that the institutions and methods of government therein provided shall be laid upon the best and surest foundations, that the people of the said presidency shall acquire such habits of political action and respect such conventions as will best and soonest fit them for self-government, and

* Instructions in identical terms have been issued to the Governors of all the "Governors' Provinces."

that Our authority and the authority of Our Governor-General in Council shall be duly maintained;

Now, therefore, We do hereby direct and enjoin you and declare Our will and pleasure to be as follows:—

I. You shall do all that lies in your power to maintain standards of good administration; to encourage religious toleration, co-operation and goodwill among all classes and creeds; to ensure the probity of public finance and the solvency of the presidency; and to promote all measures making for the moral, social, and industrial welfare of the people, and tending to fit all classes of the population without distinction to take their due share in the public life and government of the country.

II. You shall bear in mind that it is necessary and expedient that those now and hereafter to be enfranchised shall appreciate the duties, responsibilities and advantages which spring from the privilege of enfranchisement; that is to say, that those who exercise the power henceforward entrusted to them of returning representatives to the legislative council, being enabled to perceive the effects of their choice of a representative, and that those who are returned to the council, being enabled to perceive the effects of their votes given therein, shall come to look for the redress of their

grievances and the improvement of their condition to the working of representative institutions.

III. Inasmuch as certain matters have been reserved for the administration according to law of the Governor in Council, in respect of which the authority of Our Governor-General in Council shall remain unimpaired, while certain other matters have been transferred to the administration of the Governor acting with a minister, it will be for you so to regulate the business of the Government of the presidency that, so far as may be possible, the responsibility for each of these respective classes of matters may be kept clear and distinct.

IV. Nevertheless, you shall encourage the habit of joint deliberation between yourself, your Councillors and your Ministers, in order that the experience of your official advisers may be at the disposal of your Ministers, and that the knowledge of your Ministers as to the wishes of the people may be at the disposal of your Councillors.

V. You shall assist Ministers by all the means in your power in the administration of the transferred subjects, and advise them in regard to their relations with the legislative council.

VI. In considering a Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the legislative council and to the wishes of the people of the

presidency as expressed by their representatives therein.

VII. But in addition to the general responsibilities with which you are, whether by statute or under this instrument, charged, We do further hereby specially require and charge you :—

(1) to see that whatsoever measures, are in your opinion, necessary for maintaining safety and tranquillity in all parts of your presidency and preventing occasions of religious or racial conflict, are duly taken, and that all orders issued by Our Secretary of State or by Our Governor-General in Council on Our behalf to whatever matters relating are duly complied with ;

(2) to take care that due provision shall be made for the advancement and social welfare of those classes amongst the people committed to your charge, who whether on account of the smallness of their number or their lack of educational or material advantages or from any other cause, specially rely upon Our protection, and cannot as yet fully rely for their welfare upon joint political action, and that such classes shall not suffer, or have cause to fear, neglect or oppression ;

(3) to see that no order of your Government and no Act of your legislative council shall be so framed that any of the diverse

interests of or arising from race, religion, education, social condition, wealth or any other circumstance, may receive unfair advantage, or may unfairly be deprived of privileges or advantages which they have heretofore enjoyed, or be excluded from the enjoyment of benefits which may hereafter be conferred on the people at large ;

(4) to safeguard all members of Our services employed in the said presidency in the legitimate exercise of their functions, and in the enjoyment of all recognised rights and privileges, and to see that your Government order all things justly and reasonably in their regard, and that due obedience is paid to all just and reasonable orders and diligence shown in their execution ;

(5) to take care that, while the people inhabiting the said presidency shall enjoy all facilities for the development of commercial and industrial undertakings, no monopoly or special privilege which is against the common interest shall be established and no unfair discrimination shall be made in matters affecting commercial or industrial interests.

VIII. And We do hereby charge you to

communicate these Our Instructions to the Members of your Executive Council and your Ministers and to publish the same in your presidency in such manner as you may think fit.

APPENDIX X

The Goal of British Policy

A statement issued by Lord Irwin, the Viceroy, on October 31, 1929, defined the goal of British policy as follows:—

"The goal of British policy was stated in the declaration of August, 1917, to be that of providing for 'the gradual development of self-governing institutions, with a view to the progressive realization of responsible government in India as an integral part of the British Empire.' As I recently pointed out, my own Instrument of Instructions from the King-Emperor expressly states that it is His Majesty's will and pleasure that the plans laid by Parliament in 1919 should be the means by which British India may attain its due place among His dominions. Ministers of the Crown, moreover, have more than once publicly declared that it is the desire of the British Government that India should, in the fullness of time, take her place in the Empire in equal partnership with the Dominions. But in view of the doubts which have been expressed both in Great Britain and India regarding the interpretation to be placed on the intentions of the British Government in enacting the statute of

1919, I am authorised on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion Status."
